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# ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 224

DATE: Tuesday, August 14, 1990

BEFORE:

A. KOVEN Chairman

E. MARTEL Member



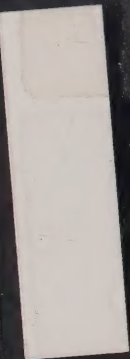
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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the  
Honourable Jim Bradley, Minister of the  
Environment, requiring the Environmental  
Assessment Board to hold a hearing with  
respect to a Class Environmental  
Assessment (No. NR-AA-30) of an  
undertaking by the Ministry of Natural  
Resources for the activity of timber  
management on Crown Lands in Ontario.

-----

Hearing held at the offices of the Ontario  
Highway Transport Commission, Britannica  
Building, 151 Bloor Street West, 10th Floor,  
Toronto, Ontario, on Tuesday, August 14th,  
1990, commencing at 9:00 a.m.

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VOLUME 224

BEFORE:

MRS. ANNE KOVEN  
MR. ELIE MARTEL

Chairman  
Member





A P P E A R A N C E S


MR. V. FREIDIN, Q.C.)	
MS. C. BLASTORAH )	MINISTRY OF NATURAL
MS. K. MURPHY )	RESOURCES
MR. B. CAMPBELL )	
MS. J. SEABORN )	MINISTRY OF ENVIRONMENT
MS. B. HARVIE )	
MR. R. TUER, Q.C. )	ONTARIO FOREST INDUSTRIES
MR. R. COSMAN )	ASSOCIATION and ONTARIO
MS. E. CRONK )	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY )	ASSOCIATION
MR. H. TURKSTRA	ENVIRONMENTAL ASSESSMENT BOARD
MR. E. HANNA )	ONTARIO FEDERATION OF
DR. T. QUINNEY )	ANGLERS & HUNTERS
MR. D. HUNTER )	NISHNAWBE-ASKI NATION
MS. N. KLEER )	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI )	
MS. M. SWENARCHUK )	FORESTS FOR TOMORROW
MR. R. LINDGREN )	
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MR. D. WOOD )	POWER & PAPER COMPANY
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MR. R. COTTON	BOISE CASCADE OF CANADA LTD.
MR. Y. GERVAIS )	ONTARIO TRAPPERS
MR. R. BARNES )	ASSOCIATION
MR. R. EDWARDS )	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER )	OUTFITTERS ASSOCIATION





APPEARANCES: (Cont'd)

MR. L. GREENSPOON	)	NORTHWATCH
MS. B. LLOYD	)	
MR. J.W. ERICKSON, Q.C.)		RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK	)	MUNICIPAL COMMITTEE
MR. D. SCOTT	)	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR	. )	ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL	)	GREAT LAKES FOREST
MR. S.M. MAKUCH	)	
MR. J. EBBS		ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
MR. D. KING		VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. D. COLBORNE	)	GRAND COUNCIL TREATY #3
MS. S.V. BAIR-MUIRHEAD	)	
MR. R. REILLY		ONTARIO METIS & ABORIGINAL ASSOCIATION
MR. H. GRAHAM		CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN		DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC		MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES		ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI		BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY



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APPEARANCES: (Cont'd)

MR. R.L. AXFORD

CANADIAN ASSOCIATION OF  
SINGLE INDUSTRY TOWNS

MR. M.O. EDWARDS

FORT FRANCES CHAMBER OF  
COMMERCE

MR. P.D. McCUTCHEON

GEORGE NIXON

MR. C. BRUNETTA

NORTHWESTERN ONTARIO  
TOURISM ASSOCIATION





I N D E X   O F   P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>DALE MUNRO,</u>	
<u>WAYNE DOUGLAS YOUNG,</u>	
<u>LEN SUOMU,</u>	
<u>RICHARD FRY,</u>	
<u>MICHAEL DEAN INNES, Resumed</u>	40602
Cross-Examination by Mr. Reid	40602
Cross-Examination by Mr. Hanna (Cont'd)	40673
 <u>Procedural Matter</u>	 40797





I N D E X   O F   E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
1283	Copy of a two-page brochure for a seminar presented by the Northern Forest Development Group of the Ministry of Natural Resources, held March 13-15, 1990 at the Senator Hotel in Timmins, Ontario.	40806



1 ---Upon commencing at 9:00 a.m.

2 MADAM CHAIR: Good morning. Please be  
3 seated.

4 Good morning, Mr. Reid.

5 MR. REID: Good morning, Madam Chair.

6 MADAM CHAIR: You can proceed with your  
7 cross-examination. We don't have any other business  
8 this morning.

9 How long did you plan on taking?

10 MR. REID: I had planned on half a day,  
11 but I don't think it is going to take long. I have  
12 read the transcript of Ms. Kleer's cross-examination on  
13 behalf of NAN and she asked most of the questions I had  
14 planned to anyway. Probably about an hour.

15 MADAM CHAIR: All right. Thank you. For  
16 the all parties who don't know Mr. Reid, he represents  
17 the Ontario Metis and Aboriginal Association.

18 MR. REID: That's right.

19 DALE MUNRO,  
20 WAYNE DOUGLAS YOUNG,  
21 LEN SUOMU,  
RICHARD FRY,  
MICHAEL DEAN INNES, Resumed

22 CROSS-EXAMINATION BY MR. REID:

23 Q. My questions will be directed  
24 generally at the witness panel and anyone could respond  
25 to them. A couple of general questions first about the



1 planning process proposed by the Industry.

2 MADAM CHAIR: Excuse me, Mr. Reid, you  
3 might be more comfortable at the lecturn.

4 MR. REID: Sure.

5 MADAM CHAIR: And I think the microphone  
6 is working.

7 MR. REID: As I was saying, a couple of  
8 general questions first about the tri-level planning  
9 process proposed -- the tri-level advisory committee  
10 system proposed in the Industry's proposed planning  
11 process.

12 Q. It's not clear to me, there is no  
13 specific mention of it in the witness statement, but  
14 maybe one of witnesses could tell me why, in the  
15 Industry's opinion, native communities should have  
16 representation as such at the three levels of advisory  
17 committees as distinct from other communities?

18 MR. INNES: A. Madam Chair, Mr. Martel.  
19 The list of suggested representatives that you see, Mr.  
20 Reid, is not meant to be exhaustive. It's meant to be  
21 exemplary in terms of who will be on those particular  
22 committees.

23 What we had intended was to try and give  
24 a flavour which would show that there has to be a broad  
25 range of interests that is representative of the

1 population of the province and that was why we made a  
2 reasonably broad list that way.

3 Q. I think my question had more to do  
4 with why one particular ethnic group is identified as  
5 being worthy of special consideration at the  
6 hearings -- or, sorry, on the advisory committees at  
7 the three levels; for example, there isn't a separate  
8 representation for, say, the francophone minority?

9 A. Right. I understand. That was  
10 brought about because we have, in the experience of  
11 Industry, interaction with individual native groups in  
12 terms of them seeking access to timber, to harvest and  
13 also being -- the Industry being a consumer of timber,  
14 we often deal with them in terms of places where they  
15 will sell timber which their enterprises produce in the  
16 course of operations, and we've had in our experience  
17 considerable discussions with government on this in  
18 terms of how do you go about these things.

19 So it seems to us there's a separate  
20 identified need, just as much as there is through  
21 trappers in respect to traplines that is worthy of  
22 being brought to the forefront.

23 Q. So it's not because of races, is what  
24 you are saying, this is a group of people who more than  
25 any other racial group or ethnic group has expressed an

1 interest in forestry?

2 A. That would be correct. This is not  
3 because of race, no.

4 Q. And it wouldn't be because then of  
5 any particular rights that aboriginal peoples have in  
6 the opinion of Industry? That wouldn't be a factor  
7 either in identifying native groups as being or having  
8 special representation on the advisory committees?

9 A. That is correct.

10 Q. Okay. Could you define for me what  
11 you mean by the native community. I don't see that  
12 defined in the witness statement either.

13 A. Could you point me to a page, Mr.  
14 Reid, please, to help me.

15 Q. Sure. In the witness statement  
16 you've referred to native groups and native peoples'  
17 organizations. I think I was thinking in answer to  
18 some of your questions to Ms. Kleer.

19 I believe it was Mr. Munro, in fact, who  
20 spoke at some length about native communities that the  
21 Industry consulted with, but I didn't see a definition  
22 of what was meant by the term native community. I  
23 guess I'm referring more to the answers to the  
24 questions by Ms. Kleer, the questions for NAN before  
25 the break.



1 MR. COSMAN: Perhaps it would be helpful  
2 if Mr. Reid would give the reference to Mr. Munro, the  
3 question and answer, so he will be able to put it into  
4 context.

5 MR. REID: Sure.

6 Q. Page 40075 of Volume 221. That page  
7 begins five pages of discussion of the relationship  
8 between the Industry and native communities.

9 I think sometimes Mr. Munro was speaking  
10 specifically of one community and sometimes he was  
11 using the more general terms; for example, at the top  
12 of page 40080, the reference is to native communities  
13 in a generic sense and that native communities would  
14 have an information centre, I believe you said at that  
15 time. I was just wondering what you mean by native  
16 communities in that context.

17 MR. MUNRO: A. Madam Chair, I think what  
18 myself and this panel means by native communities is  
19 areas that are identified in northern Ontario that are  
20 associated with reserves.

21 In my particular case it would be the  
22 Grassy Narrows reserve, some of the other panel members  
23 have actual reserves and communities associated with  
24 those reserves adjacent or even in their forest  
25 management unit and those would be what we would define

1 as native communities.

2 Q. Are there any other types of native  
3 communities other than those based on reserves?

4 A. In my particular area I can't think  
5 of any. Maybe the rest of the panel could.

6 Q. Sure. Maybe another member of the  
7 panel could tell me if they are familiar with native  
8 communities other than those based on reserves.

9 MR. YOUNG: A. In my experience in  
10 preparation of a timber management plan for our  
11 Armstrong area, we dealt with the White Sands Indian  
12 Band which was based in Armstrong on a reserve. We  
13 also dealt with communities at Mud River, Collins and  
14 Ferland and I don't believe those were organized  
15 reservations. The native community I think would  
16 encompass those areas also.

17 Q. To your knowledge who represented the  
18 native people in Ferland and Mud River?

19 A. I can't think of the individuals  
20 offhand, but we dealt with people in those communities.

21 Q. Were they Bands in those cases?

22 A. No, I don't believe they were Bands.  
23 I think they're more individuals.

24 Q. Has any member of the witness panel  
25 ever dealt with a Metis community to their knowledge or

1 a Metis organization in the same way that they would a  
2 Band?

3 MR. MUNRO: A. Not in my experience, I  
4 haven't.

5 MR. INNES: A. Not in mine either.

6 Q. Referring now to the witness  
7 statement at page 9, the last paragraph which ends on  
8 page 9 and continues on page 10.

9 I see that it is proposed in the  
10 Industry's proposal that the members of the tri-level  
11 advisory committees be selected by the Ministry of  
12 Natural Resources. It's suggested that this would  
13 ensure that the "most qualified" and "committed and  
14 informed" members would make up these committees.

15 Perhaps a member of the panel could tell  
16 me what would qualify MNR to decide which  
17 representatives of native communities are most  
18 qualified and most committed and informed?

19 MR. INNES: A. Madam Chair, Mr. Martel,  
20 the way we envisage the process working is that the  
21 Ministry of Natural Resources would make an offer,  
22 would suggest to an organization, a group, a community  
23 or whatever it may be, that a representative from their  
24 group would be welcome to sit on one of these  
25 communities, whichever one they were speaking of, and



1 we would leave it then in the opinion of the  
2 representative group to pick the person they felt was  
3 most appropriate to represent their interests on that  
4 particular committee.

5 So it would not, Mr. Reid, be a person  
6 chosen by MNR, but rather an invitation made by MNR to  
7 that group to put forward somebody who was qualified in  
8 their opinion.

9 Q. I understood that from reading the  
10 transcripts of your cross-examination by Ms. Kleer, but  
11 I reread the witness statement and I don't see that in  
12 the witness statement. It says several times that the  
13 membership would be and should be, in fact, selected by  
14 MNR. Was there an omission from the witness statement,  
15 then?

16 A. The witness statement is unclear as  
17 to what it says. Our intent is that the invitation be  
18 made by MNR to a group, as I just stated, rather than  
19 the impression left here that MNR pick up an individual  
20 from an organization.

21 Q. But ultimately the decision would be  
22 made by the Ministry of Natural Resources. So they  
23 would, for example, be free to say that they don't like  
24 the individual proposed by a particular native group  
25 and they want the native group to propose somebody

1 else, as I understand it.

2 As I read the witness statement, the  
3 decision would be MNR's and they would simply be  
4 looking for advice from the members who would make up  
5 the advisory committees; is that correct?

6 A. Parts of that are correct. It's an  
7 advisory committee with the Ministry of Natural  
8 Resources seeking advice from this and if an invitation  
9 was made in the manner I described, I would think it  
10 highly unlikely that the Ministry of Natural Resources  
11 would refuse a representative from an organization if  
12 they asked that organization to send somebody.

13 That, to my mind, would be a sure way of  
14 killing interest in any such participation.

15 Q. Okay. Page 10, referring now to the  
16 description of the proposed senior level policy  
17 committee and the membership -- the proposed  
18 membership.

19 I see a reference to native peoples'  
20 organizations, this is one of the groups which would  
21 make up the membership of the senior level policy  
22 committee. Could you tell me which native peoples'  
23 organizations the Industry imagines being members of  
24 this committee?

25 A. We are not able to to that, Madam

1 Chair; we have not specifically identified which native  
2 peoples' organizations.

3 Our understanding of that is somewhat  
4 limited and our understanding is based on organizations  
5 vary across the province and that decision would be  
6 made by the Ministry of Natural Resources at a local  
7 level as appropriate. We not see it appropriate in  
8 this case to name them by region or by area or by  
9 committee to do that.

10 Q. All right. Maybe it would help me to  
11 understand what's proposed then if you could define  
12 what is meant by the word native or native person in  
13 the witness statement.

14 I don't see specific reference, for  
15 example, to the word Indian. I don't see that used. I  
16 see the word native used. Is that meant to be used  
17 interchangeably with Indian or does it have a different  
18 meaning?

19 A. That's a difficult question to  
20 answer. I will attempt it and ask for guidance from  
21 the rest of the panel.

22 We were interested in having somebody or  
23 some representation on this group from the types of  
24 people that we dealt with in terms of Indian people,  
25 but that's not in our mind limited to status Indians

1 versus non-status Indians; it's peoples whose  
2 livelihood depend upon forest operations and the people  
3 we have been dealing with in terms of arranging wood  
4 supplies for and that type of situation.

5 So we made no distinction, Mr. Reid,  
6 between status Indians and non-status Indians. We were  
7 thinking of local communities in which -- what we call  
8 native people who had a dependence upon the forest and  
9 an interest in seeing how forest management was  
10 organized and carried out, and it was understood that  
11 we say our policy was developed for those activities.

12 Q. Do any of the other members of the  
13 panel want to add to that?

14 MR. MUNRO: A. I think Mr. Innis has  
15 covered it well. Native is a term that we have been  
16 given really, not one that we have defined ourselves.

17 Q. So you've been given the term?

18 A. Well, in terms of Ms. Kleer  
19 cross-examining, she uses the word native, and I think  
20 that's how it came about in terms of the parties  
21 identifying themselves.

22 Q. Other than status Indians, then, what  
23 people would the term native include?

24 A. I think Mr. Innes has explained that.

25 Q. So it would be status Indians and



1 non-status Indians. Would be that the definition of  
2 the term as it's used in the witness statement?

3 MR. INNES: A. To the best of my  
4 knowledge that is it.

5 I, Madam Chair, Mr. Martel, do not fully  
6 understand the distinction between status, non-status,  
7 Metis, whatever other terms are -- how they are legally  
8 defined, Mr. Reid. I am unable to assist you and the  
9 Board in this matter beyond what I've said here.

10 Q. Okay. In answer to one of my  
11 questions a few minutes ago you said that you were  
12 thinking of local communities, I believe that's what  
13 you said, that the Industry deals with.

14 I assume that you didn't mean that in  
15 reference to the term native peoples' organizations at  
16 the senior level policy committee, or did you? Did you  
17 mean that there would be representatives of  
18 communities, specific communities at the senior level  
19 policy committee?

20 A. No, we meant more formally organized  
21 groupings that have special interest that represent a  
22 broad view point across the province.

23 Q. Umbrella organizations, is that you  
24 mean?

25 A. That type of organization, Mr. Reid,

1 yes.

2 Q. Okay. Who do you see representing  
3 off-reserve native communities on the senior level  
4 policy committee?

5 A. We have not specifically identified  
6 any particular group who would do that.

7 Q. Okay. At the bottom of page 10 of  
8 the witness statement, I see a proposed term of office  
9 for members of the senior level policy committee, a  
10 little bit of detail in fact about how committee  
11 members would be appointed and what their term would be  
12 and what their relationship would be with MNR.

13 Maybe somebody could explain to me why  
14 the term of office of members of the committee should  
15 be defined i advance rather than by the members which  
16 make up the committee? Why not, for example, let each  
17 group decide whether their member is appointed for one  
18 year as opposed instead to two years or three years?

19 A. I can assist with that, Madam Chair.  
20 The intent was to indicate that there should be some  
21 continuity on the committee in terms of length of  
22 service; and, secondly, that the committee not disband  
23 and be reformed as an entity, rather there be a core of  
24 people moving through this committee to provide  
25 continuity of understanding.

1                   In our mind, we are not firm in whether  
2                   that's the right length of time or whether the rotation  
3                   of turn-over members is the correct proportion, but  
4                   rather that there be a reasonable length of time and  
5                   there be a rotation of membership and we would be quite  
6                   flexible in that manner.

7                   Q.   Wouldn't you think it would be better  
8                   for each member group of the committee to decide  
9                   whether the need to have a new representative on that  
10                  committee outweighs the need of the committee to have  
11                  continuity?   Could that happen?

12                  A.   Certainly that's a possibility and we  
13                  have not put forward terms of reference or even who, in  
14                  fact, who put the terms of reference together and that  
15                  has been identified I believe by Ms. Kleer in terms of  
16                  a missing in this type of...

17                  MR. MARTEL:   Could I ask a question,  
18                  though.   If you start to break it down into one  
19                  organization, is only going to appoint someone for one  
20                  year and someone else two years and a third group for  
21                  three years, tell me how you get rotation and  
22                  continuity at the same time with everybody's time in  
23                  office being different?   I'm going to have some  
24                  difficulty with that.

25                  MR. INNES:   I would have some difficulty,

1 too, Mr. Martel, which is why we put it in the fashion  
2 that we did.

3 In terms of when you are dealing with  
4 items of policy, I think there has to be a fair level  
5 of understanding which takes some time to build up and,  
6 as a result, something of the nature that we've put  
7 down here we think would be appropriate, but we've not  
8 said who in fact draws the terms of reference. Those  
9 are up to the members.

10 MR. REID: Q. I am looking now at page  
11 14 of the witness statement. This is a description of  
12 the intermediate level of the advisory committee in the  
13 Industry's proposal, the integrated resource users  
14 committee. The definition of membership resembles that  
15 of the senior level policy committee quite closely  
16 except, I suppose, that the Industry has a clear idea  
17 of how some interests would be represented differently  
18 at the provincial level from the regional level.

19 I am wondering how clear the distinction  
20 is with respect to native groups, and I see there is a  
21 different term used on page 10 in the description of  
22 senior level policy committee membership, the term  
23 native peoples' organizations is used, whereas the  
24 membership of the integrated resource users committee  
25 would include native groups.



1                   Could you explain the difference between  
2                   the two terms?

3                   MR. INNES: A. I'm not sure there really  
4                   is a difference between the two terms. It wasn't  
5                   intended that there be any difference between the two  
6                   terms.

7                   The intent in the membership in setting  
8                   the membership of the IRUC was that of paralleling, to  
9                   the extent possible, the membership of the provincial  
10                  committee, and there is going to be a -- there is going  
11                  to be some difference and some difficulty probably in  
12                  doing that at a regional level versus a provincial  
13                  level and as a result you will see some difference in  
14                  the wording of the various groups, Mr. Reid, between  
15                  the two, but the intent is to parallel, if possible.

16                  So there is no real meaty meaning  
17                  conveyed by changing individual names other than to  
18                  reflect that it may not be possible to directly  
19                  parallel the provincial group at a regional level.

20                  Q. I'm not still not that clear on the  
21                  difference. I understand that you made a distinction  
22                  between umbrella groups which would be represented on  
23                  the senior level policy committee and the specific  
24                  communities which would make up those umbrella  
25                  organizations of native peoples.

1                   Are you suggesting that it would be  
2 exactly the same umbrella groups which would make up  
3 the integrated resource users committee, or would there  
4 be some individual communities represented at that  
5 level or would there be other umbrella groups? I'm not  
6 clear on the difference.

7                   A. We were looking for representatives  
8 who would represent the interest of a region at a  
9 regional level and, for example, if - take NAN for  
10 example - had some way through their organization of  
11 being able to represent the interests of the people  
12 involved in the organization, say, the northeastern  
13 part of the province in which there would be a region,  
14 I would see that as being an appropriate membership on  
15 that.

16                   But, if, for example, NAN did not do that  
17 and there were three major native communities of the  
18 type that NAN would normally represent, you might, if  
19 you were the regional director of the Ministry of  
20 Natural Resources, find it appropriate to ask each of  
21 those remote communities to provide somebody to make  
22 input at a regional level.

23                   So it is that type of flexibility that  
24 had to be inherent in this which drove the wording to  
25 be somewhat different from what it was at the

1 provincial level committee.

2 Q. Are you or any other members of the  
3 panel aware of any regional representatives of  
4 off-reserve aboriginal communities?

5 A. I personally am not.

6 MR. MUNRO: A. No.

7 MR. YOUNG: A. No.

8 Q. One more question about the  
9 integrated resource users committee. It wasn't clear  
10 to me from the witness statement whether the members of  
11 this committee would be paid in addition to having the  
12 travel expenses covered by MNR.

13 MR. INNES: A. That was an oversight on  
14 our part, Mr. Reid, and yes, the intent is that they  
15 receive remuneration as well as expenses.

16 Q. And they would be paid per diem for  
17 attendance at meetings or would there be an ongoing  
18 salary for participation in the committee?

19 A. There would be a per diem for  
20 attending meetings.

21 Q. Would there be provision for support  
22 staff for the members, for example, researchers or  
23 technical assistants to assist in participation in the  
24 integrate resource users committee?

25 A. We see that there has to be a fair

1 degree support by the Ministry of Natural Resources for  
2 this in terms of preparation and background information  
3 and in terms of the work that may have to be carried  
4 out by interdisciplinary teams, et cetera, and we see  
5 this being shared on a committee-wide basis rather than  
6 individual support being provided to individuals.

7 Q. I understood that the MNR would act  
8 at secretariat to the integrate resource users  
9 committee, but I take it, then, you are saying that the  
10 member groups would have would not have a budget as  
11 such for their participation in the integrated resource  
12 users committee beyond the per diem for their delegate  
13 to attend; that would be it, that and the travel  
14 expense would be it; is that correct?

15 A. That's correct.

16 Q. Now, on the next page, page 15, with  
17 respect to the local citizens' committee. Again, I am  
18 not clear as to the make-up that's envisioned for the  
19 committee.

20 The witness statement says that the  
21 membership should parallel the integrated resource  
22 users committee. Perhaps you could explain to me what  
23 that means with reference to native peoples and native  
24 organizations?

25 A. We are looking for a broad range of



1 interests to fairly represent a cross-section of the  
2 local population and I think it was very well expressed  
3 in the Ministry of Natural Resources' terms and  
4 conditions in which they said in their local  
5 shareholders committee --

6 MADAM CHAIR: Excuse me, is this the  
7 August 3rd edition?

8 MR. INNES: This is the August 3rd  
9 version, Madam Chair.

10 MADAM CHAIR: Mr. Reid, did you receive  
11 that?

12 MR. REID: I'm not sure which document  
13 Mr. Innes is referring to.

14 MADAM CHAIR: It was made an exhibit  
15 yesterday and it was sent to the parties last week, so  
16 you may have not have received it.

17 MR. REID: I don't think I've recieved  
18 it.

19 MADAM CHAIR: Do you have a copy, Mr.  
20 Freidin?

21 MR. FREIDIN: We don't have an extra  
22 copy. You should have received one, Mr. Reid.

23 MR. REID: When was it sent out?

24 MR. FREIDIN: August the 3rd.

25 MR. REID: I have been on the road for a

1 couple of weeks.

2 MR. FREIDIN: I'm sure Mr. Reid would  
3 have received a copy.

4 ---Discussion off the record

5 MADAM CHAIR: If someone could give Mr.  
6 Reid a copy just so he could follow Mr. Innes'  
7 comments.

8 MR. INNES: What I am actually going to  
9 quote from, Madam Chair, is Exhibit 1279 of the  
10 comparison that Mr. Cosman filed yesterday.

11 Mr. Reid, it is on page 1. It is the  
12 structure of the planning system. Do you have the  
13 little right-hand number at the top, page 1. Do you  
14 have that?

15 MR. REID: Yes.

16 MR. INNES: Right on the extreme lower  
17 right-hand side which is a quote from the MNR, August  
18 3rd, '90 terms and conditions. It says (b),  
19 stakeholders committee, and the second bullet says:

20 "A reasonable number of local citizens  
21 representing a range and balance of  
22 interests."

23 I think that phrase captures very well  
24 what the intent of the Industry was in terms of the  
25 make-up of the local citizens' committee. It's just

1 that they said it up better than what we did.

2 MR. REID: Q. Thank you. Who would  
3 determine which groups make up a sufficient, I guess,  
4 representation of local interest?

5 MR. INNES: A. It would be the district  
6 manager of the Ministry of Natural Resources.

7 Q. So, if, for example, a particular  
8 native community wanted to be a member and the district  
9 manager felt that there was already enough native  
10 representation on the committee, that would be his  
11 decision to make and he would be free to say: No, you  
12 are not entitled to membership, we have native  
13 representation already?

14 A. I can only presume that would be the  
15 case, Madam Chair, but I can also say that the  
16 particular organization or community would have  
17 recourse to speak to the regional director of the  
18 Ministry. There is an escalation of hierarchy where  
19 they can go. Also, if I was the district manager I  
20 think I would welcome input to the extent I could  
21 receive input.

22 Q. But ultimately at each stage it would  
23 be the Ministry of Natural Resources who would  
24 determine which people should be at that committee,  
25 whether it's the local citizens' committee or the IRUC

1 or the senior level policy committee? The Ministry of  
2 Natural Resources at the appropriate level would  
3 determine who should be there and who shouldn't be  
4 there?

5 A. That is correct. This is their  
6 advisory committee, so...

7 Q. So you don't see the local citizens'  
8 committee as necessarily having representation from all  
9 native communities in the region, it would be whichever  
10 ones the Ministry of Natural Resources felt should be  
11 there; is that correct?

12 A. I would like to comment on that. We  
13 are speaking about a local citizens' committee being  
14 appropriate for an individual management unit rather  
15 than a region, as you mentioned just a moment ago.

16 With that correction, I would agree with  
17 the rest of it, that it is the district manager's  
18 decision as to what the balance and make-up of that  
19 committee would be that accurately represents the local  
20 citizen group that is affected through operations in  
21 that forest management unit.

22 Q. Okay. One of the other items under  
23 local citizens' committee, the second one, it's on page  
24 15 still, the local citizens' committee would be "made  
25 up of individuals representing local interest."



1 Do you see local interest as including  
2 any aboriginal interest which might not be represented  
3 by the native communities that are represented as such  
4 on the local citizens' committee? Can you imagine a  
5 case where that would happen?

6 A. I don't understand the question,  
7 Madam Chair. Aboriginal interest beyond the...

8 Q. What I mean is, does the term local  
9 interest -- could it include native interest?

10 You have a separate item that says  
11 membership should parallel the integrated resource  
12 users committee. I assume it's through that vehicle,  
13 through their membership on the integrated resource  
14 users committee that aboriginal communities are  
15 represented or their interests are represented at that  
16 level, at that advisory level.

17 Would there be any exception to that?  
18 Would there be a case where their interests aren't  
19 represented through membership as a native community on  
20 the integrated resource users committee but as a "local  
21 interest", is the term used in the witness statement,  
22 or is there any distinction between the two?

23 A. I don't believe there is any  
24 distinction between the two. Can anybody else assist?

25 Q. The term local interest then includes

1 native interest?

2 A. Yes.

3 Q. On page 16 now.

4 MR. COSMAN: Perhaps just for my friend  
5 so there is no misunderstanding. I know how important  
6 it is to my friend and his clients. Local interest,  
7 it's a legal position I am making, would obviously not  
8 include all native interest because one very important  
9 element of interest is land claims which, in our  
10 submission, would not be a matter for the timber  
11 management planning process and, therefore, that  
12 particular interest wouldn't be represented or be put  
13 forward at that level or at that kind of committee.

14 MR. REID: I understood that was your  
15 position. Thanks for that clarification. It's not  
16 actually what I was getting at.

17 MR. COSMAN: Okay.

18 MR. REID: Q. On page 16, under the  
19 make-up of technical group, I assume again that the  
20 make-up of the technical group would be determined by  
21 MNR?

22 MR. INNES: A. That is correct.

23 Q. And MNR would determine who is  
24 qualified to be a technical expert for the purposes of  
25 this committee as well; is that correct?

1 A. That's correct.

2 Q. Do you or any other members of the  
3 panel know of any case where MNR has appointed a  
4 representative of an aboriginal community as a  
5 technical expert on a technical group?

6 MADAM CHAIR: Excuse me, Mr. Reid. Are  
7 you using aboriginal as a term to be synonymous with  
8 native?

9 MR. REID: Yes, I am. I'm not sure -- I  
10 am still not sure if the members of the witness panel  
11 are using the terms synonymous. I assume they are from  
12 the answer to my question earlier. I am using the  
13 terms interchangeably, native and aboriginal. I will  
14 get into that a little more later.

15 MADAM CHAIR: All right. The Board isn't  
16 in the habit of asking counsel for evidence, but it has  
17 been some time since your party appeared before us and  
18 I don't think it's quite clear in our minds the  
19 differences you are trying to make among the terms  
20 Metis, aboriginal and so forth. We have a general  
21 understanding of how we are using those terms so far in  
22 the hearing.

23 Has anything been submitted by your party  
24 or in previous cross-examination that gave your  
25 definitions of those terms? I can't recall exactly Mr.

1 Reilly's cross-examination.

2 MR. REID: I believe Mr. Reilly did  
3 address that early on in the hearing. I would have to  
4 look at that again. I would be happy to give you a  
5 definition now if you want.

6 MADAM CHAIR: If you can do it briefly it  
7 would just remind us of what it was.

8 MR. REID: To my client there is no  
9 relevant distinction between status and non-status  
10 Indian. That distinction is irrelevant to the question  
11 of -- for example, to the question of what rights an  
12 aboriginal person has.

13 When I use the term aboriginal or my  
14 client uses it, we use that word interchangeably with  
15 native and we mean by an aboriginal person a person who  
16 is -- well, the same definition we use is the one used  
17 in the Canadian Constitution. An aboriginal person or  
18 a native person is an Indian, Metis or Inuit person.

19 Again, the question of registration under  
20 the Indian Act or status under the Indian Act doesn't  
21 enter into it at all as far as we're concerned.

22 OMAA's constituency, the client that I  
23 represent, is off-reserve native people regardless of  
24 status under the Indian Act. The distinction between  
25 on reserve and off reserve is made because off-reserve



1       aboriginal people can't vote in Band elections whether  
2       they are status or not, so they are not represented by  
3       Band councils registered under the Indian Act. That's  
4       why there are separate political organization  
5       representing off-reserve native peoples.

6               Essentially the reason is historic and  
7       it's the result of the application of the Indian Act  
8       over the last little more than a hundred years which  
9       has forced a significant portion of Indian and Metis  
10      people to little off reserves and it continues to do  
11      that and under the Indian Act they have different  
12      political rights, but that would be the only  
13      distinction.

14             We do not use the term status Indian and  
15      Treaty Indian interchangeably, I should say as well;  
16      the terms are not synonymous.

17             MADAM CHAIR: Thank you, Mr. Reid.

18             MR. REID: One other thing I should  
19      probably add since it will probably come up too is that  
20      the term Metis isn't as mysterious as some people might  
21      think. It doesn't necessarily mean a person from, for  
22      example, the Red River settlement or from western  
23      Canada.

24             The word Metis in French simply means  
25      half breed and we in fact use the terms

1 interchangeably, half breed and Metis. Some native  
2 communities, in fact, prefer to call themselves half  
3 breeds. I might from time to time use that term as  
4 well.

5 A Metis or a half breed is simply a  
6 person of mixed blood who self identifies as such and  
7 is accepted by a native community as a native person,  
8 whether they call themselves Metis, half breed, mixed  
9 blood, Indian is irrelevant.

10 MADAM CHAIR: So when you use the term  
11 native community you include Metis people as well?

12 MR. REID: That's correct. I have used  
13 the native communities and aboriginal communities  
14 because in fact probably most of them are a mixture of  
15 people who self-identify as Metis and people who  
16 self-identify as Indian.

17 MR. INNES: I have now forgotten the  
18 question, Madam Chair.

19 MR. REID: I have forgotten it, too.

20 MR. INNES: Could you please rephrase it  
21 or reask it.

22 MR. REID: Sure. Actually I hadn't  
23 actually asked a question yet.

24 Q. I was getting at the -- I guess the  
25 definition of what qualifies as an expert or who

1 determines who is qualified as an expert for the  
2 purposes of sitting on the technical group.

3 I believe I asked the question whether  
4 you were aware of an aboriginal person sitting as an  
5 expert on the technical group, not simply -- by that I  
6 don't mean somebody who has expertise in silviculture  
7 and is there mainly for that purpose and happens to be  
8 a native person.

9 What I mean is somebody who is sitting on  
10 the technical group because of their knowledge as an  
11 aboriginal person of, for example, a sacred site or the  
12 traditional territory of an aboriginal community and  
13 that that's their expertise. It is knowledge that is  
14 passed on because of that person's position in a  
15 aboriginal community. Are you aware of somebody like  
16 that, for that reason sitting as a member of a  
17 technical group?

18 MR. INNES: A. Madam Chair, I am not at  
19 the present time aware of anybody of that nature;  
20 however, the technical groups, to the best of my  
21 knowledge, have not been formed, apart from MNR  
22 guidelines internally.

23 However, we have identified such a person  
24 as Mr. Reid speaks of in response to an interrogatory  
25 by NAN and I will find the number in just a moment.

1 MR. YOUNG: No. 7.

2 MR. INNES: No. 7. Thank you, Mr. Young.  
3 Who we identified as being an expert in -- I believe in  
4 that case we used herbal plants. So we recognize the  
5 need for that, Mr. Reid, in response to your question,  
6 but I'm not aware of anybody at this time who serves in  
7 such a capacity.

8 MR. REID: Q. When you said you  
9 recognized one such person, who did you mean by "we",  
10 did you mean MNR or the Industry had identified that  
11 person?

12 MR. INNES: A. No, I mean by the  
13 Industry in response to an interrogatory by NAN  
14 recognizes that.

15 Q. So that individual, that particular  
16 native person who -- you're not talking about an  
17 individual person at all?

18 A. No.

19 Q. I misunderstood you.

20 A. This was an example we gave whereby  
21 we would recognize expertise in native affairs. In  
22 this case we identified medicinal plants, I believe, an  
23 expertise which is resident only in the native  
24 community and as a person qualified for that type of  
25 expertise.

1                   Q. But you are not aware if MNR at any  
2 time in the past or present in fact appoints such  
3 person as a technical expert for that sort of purpose;  
4 are you?

5                   A. I personally am not.

6                   MR. MUNRO: A. Perhaps I can help. The  
7 technical group does not sit per se as a group, it's an  
8 advisory -- or a technical group that the plan author  
9 deals with one on one.

10                  We have had experience dealing with  
11 native communities and identifying their values. In  
12 our particular case it was a spirit rock that they they  
13 identified some concern over and we dealt with an  
14 individual of the Band in the field to try and isolate  
15 where that is or where it was in our limit or our  
16 license area and what we would have to do if we were  
17 going to cut close or adjacent to it.

18                  As a result of their input, we also  
19 identified -- I believe it was referred to as a pow wow  
20 area and that was isolated and identified as a value.  
21 So we do use technical experts per se from Bands or  
22 wherever they can come from to assist in the  
23 identification of values and provide some technical  
24 expert on how we can carry out our timber management  
25 activity in proximity to those values.



1                   MADAM CHAIR: These individuals do not  
2 sit on what is now called the planning team?

3                   MR. MUNRO: That's correct, and that's  
4 the distinction that we have from MNR proposals. We  
5 have a technical group which do not necessarily sit as  
6 a committee at any point in time, but it's a resource  
7 that the plan author can draw upon to help him or her  
8 produce -- or plan the activities in the plan. There  
9 might be some --

10                  MADAM CHAIR: Okay. Now I am getting a  
11 bit confused. So the technical group -- I thought the  
12 experience you've talked about was your planning team  
13 in your FMA going to consult with individuals in the --

14                  MR. MUNRO: That was the company itself.

15                  MADAM CHAIR: But in your proposal that  
16 individual -- you would see that person as part of a  
17 technical group.

18                  MR. MUNRO: Yes, somebody that would be  
19 identified possibly by the local advisory committee as  
20 being an expert and a person that the plan author could  
21 deal with specifically, and in our particular case it  
22 was an individual identified by the Band who had some  
23 knowledge of where this spirit rock was located.

24                  MR. REID: Q. One more question on that  
25 point. Is the panel aware of representatives of native

1 communities being consulted in their capacity as  
2 representatives of any native communities on the  
3 question of allocation criteria?

4 I see that that's one of the technical  
5 items that the technical group would deal with.

6 MR. MUNRO: A. In the production of our  
7 timber management plan through the Patricia Forest we  
8 did consult directly with the chief and the Band  
9 councillors themselves on the specific subject of  
10 allocation and the potential of their particular  
11 reserve having allocations close to the reserve that  
12 could be cut by the reserve members themselves and  
13 thereby providing employment. So I'm aware of some.

14 Q. Which Band was that?

15 A. The Grassy Narrows Band.

16 MR. YOUNG: A. I can also offer, and I  
17 have previously given oral testimony that our company  
18 has dealt with native groups in the allocation process  
19 in our Armstrong area and also our Nipigon area.

20 Q. Did you consult in either of those  
21 cases with any communities that were not represented by  
22 registered Bands?

23 MR. MUNRO: A. In my particular case,  
24 there was no other communities that identified  
25 themselves, so we just consulted with the individual

1 Bands that identified themselves in the planning  
2 process.

3 Q. And in the Armstrong area?

4 MR. YOUNG: A. That was the same case as  
5 Mr. Munro's.

6 MR. SUOMU: A. If I might add, on the  
7 Wabigoon Timber Management Plan the company dealt with  
8 two identified native groups. One, the Wabigoon  
9 Development Corporation and the other was the Eagle  
10 Band logging facility. They, in fact, were consulted  
11 in the allocation process so that the criterion and  
12 stand selected met with their approval prior to being  
13 presented in the draft plan.

14 Q. I assume that all three of you are  
15 saying that you simply weren't aware of any native  
16 communities other than those Bands that came forward at  
17 some point; is that correct?

18 MR. YOUNG: A. Yes.

19 Q. Was there any -- sorry?

20 MR. MUNRO: A. Yes.

21 Q. Was there any effort made, and if  
22 there was please describe it, to find out whether any  
23 native communities in those areas did come forward at  
24 any time previously and identified themselves, for  
25 example, in the development of an earlier management

1 plan?

2 MR. MUNRO: A. In my particular case, we  
3 have traditionally dealt with the Grassy Narrows Band  
4 over a number of years in terms of resource allocation,  
5 timber resource allocation. I can't recall, but I  
6 would think it is at least 15 to 20 years, within that  
7 range. I would have to go back and look at the company  
8 records, but we have dealt with them on a continuous  
9 basis for a long period of time.

10 MR. MARTEL: Are there other groups in  
11 your area who have not come forward, that you know of  
12 that are there but haven't bothered to come forward?

13 MR. MUNRO: Yes, there would be three  
14 other groups that I can think of that have not bothered  
15 to come and ask for a particular allocation in their  
16 particular area, and the reason being that those three  
17 other communities are somewhat distant from our forest  
18 management agreement and would have to commute quite a  
19 distance in order to cut wood.

20 Consequently, they deal with the Crown  
21 management units as opposed to our FMA and they have  
22 active dealings, I know, with the Crown units because  
23 we buy the wood that they produce as well. So they  
24 deal with the areas and the management units in  
25 relative close proximity to where their communities

1 are.

2 MR. REID: Q. When you say where a  
3 community is, I take it you mean where the reserve is  
4 as opposed to where -- you don't mean, for example,  
5 that it would -- it might be an area where an  
6 aboriginal community hunts regularly, an area that they  
7 consider traditional hunting ground or an area near a  
8 burial site or a traditional berry picking area, you  
9 don't mean that that's -- when you are talking about  
10 consulting with the community that's nearby, I assume  
11 you mean one that has a reserve; is that correct?

12 MR. MUNRO: A. In my particular case, we  
13 consult with the reserve and the community on it and we  
14 talk about all those items that Mr. Reid mentioned in  
15 terms of traditional hunting areas and trapping areas  
16 and blueberry picking areas.

17 Q. With the Bands, is that right, with  
18 registered Bands. Would you describe if any efforts  
19 have been made -- what I'm getting at is, I want to  
20 know whether any efforts have been made to contact, for  
21 example, an organization of native people living in  
22 Kenora but who harvest traditionally in a territory  
23 affected by a timber management plan?

24 A. Madam Chair, I would have to say that  
25 yes, that is done through local public notices of our



1 planning activities and, indeed, there has been  
2 individuals, using Mr. Reid's term, aboriginals that  
3 have come into our office and have asked specifically  
4 about such activities that he describes.

5 So they are dealt with through the  
6 general notice to the public, through the information  
7 centres and the open houses and that's the process that  
8 we've designed to deal with those particular concerns.

9 MADAM CHAIR: The evidence before the  
10 Board is that the Ministry of Natural Resources will  
11 deliver a notice to participate to all native  
12 communities in an area that's being affected by the  
13 timber management planning process, and that there is  
14 no distinction between status or non-status native  
15 interests.

16 It is not clear to me, though, that the  
17 process so far has involved a thorough combing of all  
18 the community interests in an area -- in an FMA unless  
19 those people have self-identified issues.

20 MR. MUNRO: That's an interesting point  
21 in that I think the native communities that we've dealt  
22 with per se, the reserves, have always obtained notice  
23 and you do bring up an interesting point of how do you  
24 ensure that people off reserve get that notice, and I  
25 am not sure how else do it other than the general

1 public notice.

2 MR. REID: Q. Well, I assume when you  
3 said that the reserves of Bands have notice you mean  
4 something in addition to the notice which is published  
5 in the local newspapers; is that correct?

6 MR. MUNRO: A. Usually what happens is  
7 the notice is sent directly to the Band or the chief  
8 saying: We are about to commence this planning  
9 activity, please come in and participate or let us know  
10 what your concerns are, and that's sent out by the  
11 Ministry of Natural Resources.

12 I'm not sure what the exact wording would  
13 be, but I know it's a covering letter and the attached  
14 notice that would go to the local media as well.

15 Q. An off-reserve native community then,  
16 it would be limited to notice through the community  
17 newspapers; is that correct?

18 A. That's correct, unless they had  
19 identified themselves as an interested party.

20 Q. At what time would they have had to  
21 identify themselves?

22 A. As our process outlines, there is a  
23 notice, an invitation to participate which allows  
24 individuals to come in and identify themselves and say:  
25 I'm interested, I want to receive all the mail that

1 goes out and the correspondence.

2 Q. Would that go as well -- the same  
3 rule, would that go for those community interests  
4 including Bands which you've apparently determined are  
5 entitled the special notice?

6 Would they continue to get that special  
7 notice if they didn't come forward and express a  
8 particular interest, or at some point they would be  
9 dropped from a mailing list if they didn't express  
10 interest?

11 A. That's an interesting question  
12 because most of the reserves that we have dealt with  
13 have all expressed an interest in the activity and,  
14 therefore, I can't think of an example where somebody  
15 hasn't or a particular reserve hasn't. It just hasn't  
16 happened in my particular case.

17 Maybe the other panel members...

18 MR. SUOMU: A. No, in all cases they  
19 have shown interest and they continue to show interest  
20 over the time period, so they continue to receive  
21 notices.

22 MR. MARTEL: Can I ask a question then  
23 because I'm just wondering how wide spread that is  
24 across northern Ontario or in the area of the  
25 undertaking, that native groups in fact are involved in

1 large numbers in FMAs or areas that are covered by FMAs  
2 or Crown management units across northern Ontario, or  
3 is that beyond the capacity of this panel to answer?

4 MR. MUNRO: I can only speak to the area  
5 that I deal with.

6 MR. SUOMU: In terms of organized native  
7 Bands, those are on the record, but non-organized  
8 native peoples who express an interest may do so  
9 individually and, as a result, you would have no record  
10 of their -- you know, whether they are native or not.

11 So a lot of them do in fact become  
12 involved in the process as individuals or small groups  
13 of individuals without being identified.

14 MR. FRY: In the most recent timber  
15 management plan that I have been familiar with, that  
16 I've been working on, the Ministry compiled a very  
17 exhaustive mailing list and it is my understanding that  
18 that mailing list was not restricted only to those  
19 parties that expressed an interest, that they in  
20 fact -- the Ministry in fact determined the tourist  
21 outfitters out there that might be interested in  
22 activities on our FMA.

23 They determined what organizations might  
24 be interested or have an interest in the operations on  
25 our FMA and they automatically went on the list. They

1 didn't have to apply to be there.

2 I think the key thing is that there has  
3 to be some identity, some address that you can send the  
4 letter to, and in our proposal I think that that type  
5 of approach would certainly continue, trying to be  
6 proactive to determine who would be interested and that  
7 would include any native organizations.

8 MR. YOUNG: I can add, Mr. Reid, that in  
9 Exhibit 1271, which is draft terms and conditions of  
10 the forest industry, on page 27, 3(b) indicates that  
11 there will be public written notice forwarded to native  
12 communities and organizations.

13 Q. I understand that. My point, though,  
14 is that the Industry, from what I can see, uses the  
15 term native communities to mean registered Bands and  
16 the impression given by the witness panel is that every  
17 effort is made to identify communities and everything  
18 possible has been done.

19 I wonder if any of the members of the  
20 panel can tell me what efforts have been made to obtain  
21 a list of addresses of contacts and spokespersons for  
22 off-reserve native communities?

23 MR. COSMAN: By the MNR, Mr. Reid, as  
24 compared to the companies?

25 MR. REID: Pardon me?



1                   MR. COSMAN: By the Ministry of Natural  
2 Resources who compiles the list or --

3                   MR. REID: Well, to the extent that the  
4 witnesses could answer that, but obviously they would  
5 know better -- they would be able to speak for  
6 Industry, and that's what I am asking them to speak  
7 for.

8                   MR. COSMAN: Given that it is the MNR  
9 that compiles the list. I certainly agree that the  
10 question is proper. If these witness are aware of what  
11 efforts MNR goes through, they can certainly answer  
12 that.

13                   MR. REID: Q. I will separate it into  
14 two questions, then. Are you aware of any efforts that  
15 MNR has made to contact off-reserve native communities  
16 or to put them on the mailing lists? The first  
17 question.

18                   The second one would be: Has the  
19 Industry made any effort of its own that you know of to  
20 contact representatives of off-reserve native  
21 communities?

22                   MR. MUNRO: A. Madam Chairman, I think  
23 Mr. Fry made a good point in that we are more than  
24 willing to talk to anybody provided we can identify who  
25 they are and that in itself is a problem.

1                   If any individual, just the general  
2 public as a whole wanted to be involved, we will look  
3 after their concerns and make sure that we deal with  
4 them on a one-on-one basis and mail them whatever.

5                   Somehow there has to be an identity  
6 attached in order to have an address, as Mr. Fry  
7 pointed out, therefore I have some degree of difficulty  
8 in answering the question.

9                   Q. I have, for the benefit of all of  
10 you -- I didn't intend to circulate it, in fact I  
11 didn't even intend to refer to it today, but I happen  
12 to have with me a list of the local associations of  
13 off-reserve native people that are affiliated with  
14 OMAA.

15                   This is readily available to anybody who  
16 calls the OMAA office and it includes communities in  
17 all of the areas that witnesses have talked about  
18 dealing with Bands; for example, in Ear River -- or  
19 Eagle River, sorry, Metis Association, Ear Falls Metis  
20 Association, Keewatin Metis and Aboriginal Association,  
21 there is a Wabigoon Metis and Non-Status Indian  
22 Association, Armstrong Metis Association and Ferland  
23 and Mud River Metis Associations.

24                   There are just examples. I mean, the  
25 list is readily available. I wonder if anybody from

1 Industry has a copy of the list or if you have ever, as  
2 far as you know, called OMAA to ask for a copy.

3 MR. MUNRO: A. Madam Chair, as far as  
4 the mailing list, it has been an MNR function to mail  
5 out the public notices and any correspondence dealing  
6 with the planning.

7 If there is, in fact, a list, a mailing  
8 list with those associations, I can only assume that if  
9 it was given to MNR they would send out the notices to  
10 those addresses.

11 MR. FRY: A. I think if we had known  
12 about it we would have suggested to the Ministry to get  
13 ahold of it.

14 Q. As far as you know, does the Ministry  
15 have such a list, and I assume you would only know that  
16 if they include these names of these associations on  
17 the list that they give you?

18 MR. MUNRO: A. I couldn't say whether  
19 they have a list right now. I can assure you when I go  
20 home that in my particular area we will have a list.

21 MADAM CHAIR: Excuse me, Mr. Reid. You  
22 mentioned a few moments ago off-reserve native  
23 communities.

24 MR. REID: Yes.

25 MADAM CHAIR: Now, an off-reserve native

1 community of your members, Metis and aboriginal  
2 peoples, would be those people who lived anywhere but  
3 belonged to an association?

4 MR. REID: That's correct. They would  
5 belong to -- I guess this requires definition too.

6 I am using the term aboriginal community,  
7 off-reserve aboriginal community interchangeably with  
8 the term local association which is what they are  
9 called for OMAA's purposes.

10 They form a local association which has  
11 certain rights within OMAA; for example, representation  
12 on the Board of Directors, if they qualify as a local  
13 association within OMAA's bylaws, but that means the  
14 same thing as an off-reserve aboriginal community and  
15 an aboriginal person living off reserve to OMAA is a  
16 person who belongs to one of the local associations.

17 Whether they carry a card or not isn't  
18 important, what's important is that they are known to  
19 be part of that community which is represented by that  
20 local association.

21 MADAM CHAIR: So the local OMAA in Fort  
22 Frances, for example, would be Metis and aboriginal  
23 people who lived in that area generally?

24 MR. REID: That's correct. It could  
25 include people from outside if there was a particular

1 reason for it. They are a community in the same sense  
2 that any other aboriginal community is a community. It  
3 is generally a collection of extended families who have  
4 something in common, a common history, some  
5 relationship to each other.

6 So in that sense it's very much like any  
7 registered band except that the people aren't  
8 concentrated on a reserve.

9 MADAM CHAIR: So the suggestion in your  
10 question to the witnesses is not that individual  
11 members of OMAA be contacted, but that the OMAA local  
12 associations --

13 MR. REID: That's correct, that's all I  
14 was suggesting. OMAA in fact doesn't provide a list,  
15 doesn't have a list as far as I know of individual  
16 members. OMAA is an umbrella organization of  
17 communities, and it would be those communities that  
18 would have the list of their own individual members or  
19 the families that would make up their community.

20 Q. I am almost finished with the witness  
21 statement now. I'm on page 18 of the witness  
22 statement, Collection of Background Information. Just  
23 one question here -- two, sorry. Are members of the  
24 panel aware of any case where aboriginal people have  
25 been involved because of their position in aboriginal



1 communities in the collection of background  
2 information? Is the question clear or should I -- do  
3 you want if clarified?

4 MR. MUNRO: A. No, it's clear, I was  
5 just thinking. I would have to say yes under our  
6 definition of background information. Our long  
7 established relationship with the Grassy Narrow Band  
8 would form part of the background information, and in  
9 that sense our continuous dealing with them would come  
10 up as background information in terms of that  
11 particular Band having third party arrangements on our  
12 license area and, therefore, it would be part of the  
13 background information.

14 Q. Are any members of the panel aware of  
15 any case where representatives of off-reserve native  
16 communities have been involved in the collection and  
17 assembly of background information?

18 A. No, not in my particular case.

19 MR. FRY: A. Not in mine.

20 MR. SUOMU: A. No.

21 Q. Do the witnesses have transcripts of  
22 any of the evidence before them? I want to refer to a  
23 few parts of the transcript of Ms. Kleer's  
24 cross-examination of the witness statement on June  
25 27th. That would be Volume 221?

1 MR. MUNRO: A. Yes, I have that.

2 MR. YOUNG: A. Yes.

3 Q. Page 40116, first of all. I am going  
4 to jump around a bit.

5 A. That was 40...

6 Q. 40116.

7 A. Very good.

8 Q. At the bottom of that page, and I  
9 believe this was Mr. Munro answering questions from Ms.  
10 Kleer on the question of what is a native community and  
11 why they would be represented as such at some levels of  
12 the planning process being proposed.

13 At the bottom of that page, I see that  
14 Mr. Munro made a distinction between native communities  
15 being, what you called, unique communities as opposed  
16 to being just an ordinary community. I wonder if you  
17 could tell me which category, in your opinion, an  
18 off-reserve native community would fit? Would that be  
19 an ordinary community or a native community?

20 A. I would have to say that would be an  
21 ordinary community.

22 Q. Okay. So then it would not be one --  
23 when you are talking generally of native communities,  
24 if I understand you, you are talking about Bands,  
25 registered Bands under the under the Indian Act; is

1       that correct?

2                   A. In this particular transcript yes,  
3       that's what I was talking about.

4                   Q. Now, there was some discussion with  
5       Ms. Kleer as well in her cross-examination of the  
6       allocation of some cutting to Bands, to registered  
7       Bands and their particular territories.

8                   Are any members of the panel generally  
9       aware - and I'm not referring to any specific part of  
10      the transcript at this point - are any members of the  
11      panel aware of allocations to any off-reserve native  
12      communities?

13                  A. None in my particular area that I can  
14      think of.

15                  MR. SUOMU: A. I am trying to think  
16      whether there is specifically on the Crown management  
17      unit. I can't say for sure. I know individuals are  
18      involved in allocations, but whether they are involved  
19      as a group I'm not sure, but as far as on the company  
20      licences, no.

21                  MADAM CHAIR: Excuse me, Mr. Reid. What  
22      is an off-reserve native community? Now you are  
23      talking about members of your association, for example,  
24      who live together in a community--

25                  MR. REID: That's correct.

1 MADAM CHAIR: --as oppose to just  
2 belonging to a local association?

3 MR. REID: No, I mean the same thing. In  
4 some communities -- the fact that the members of a  
5 local association live in various parts of Kenora, for  
6 example, wouldn't, in my opinion, make them any less a  
7 community than the people of, say, Collins who live all  
8 in one area, and yet with or without a reserve they are  
9 a native community, an off-reserve native community  
10 without a reserve which is, by the way, one of OMAA's  
11 affiliated communities as well, but there would be  
12 no -- in the way I am using the terms there would no  
13 difference, both are native communities.

14 One happens to be in an urban area and  
15 mixed in amongst the general population, but still they  
16 are a community because they define themselves as such  
17 and they would generally define themselves as such. I  
18 don't want to give evidence here, but they would define  
19 themselves as such for many reasons. One of them being  
20 usually the fact that they have an attachment to a  
21 particular area of land, and when I say an attachment I  
22 mean for hunting or fishing or trapping. That would go  
23 just as well for an individual community made up of  
24 people living in Kenora as it would for people who live  
25 in Collins.

1 MADAM CHAIR: So are you talking about a  
2 timber allocation--

3 MR. REID: Yes.

4 MADAM CHAIR: --for cutting timber?

5 MR. REID: Yes.

6 MR. COSMAN: I think you got your  
7 answers.

8 MR. REID: Yes, okay.

9 Q. Just a few questions from the  
10 transcript beginning at page 40077 and this is still  
11 Volume 221. At the top of page 40077, I believe Mr.  
12 Munro was discussing with Ms. Kleer negotiations  
13 between the Grassy Narrows Band Council and MNR, or is  
14 that a particular company that negotiated with the  
15 Grassy Narrows Band Council?

16 MR. MUNRO: A. That would be our Boise  
17 Cascade.

18 Q. Now, just for clarification. Five  
19 lines down on that page the word "councils" is there.  
20 You said:

21 "In addition to that, I believe Mr.

22 Forbisher and a number of his counsels  
23 came into our office."

24 Did you mean members of the band council?

25 A. In reading that this morning, yes,



1       that's what I meant.

2                   Q.   Okay.

3                   MR. COSMAN:   He may even have said it.

4       It maybe in the transcript --

5                   MR. MUNRO:   No, I'm sure it was me.

6                   MR. COSMAN:   All right.

7                   MR. REID:   Q.   Well, actually, that makes  
8       sense.  It fits better with what I am going to ask you  
9       later anyway?

10                  MADAM CHAIR:   Mr. Reid, sorry to  
11       interrupt you.  We are getting close to our morning  
12       break.  You could pick a convenient spot to stop and we  
13       will take a 20-minute break.

14                  MR. REID:   We can stop now, if you like.  
15       It could take me 10 minutes or it could be 20,  
16       depending on the length of the questions, to finish.

17                  MADAM CHAIR:   All right.  Why don't we  
18       take our morning break now then and we will return in  
19       20 minutes.

20       ---Recess taken at 10:20 a.m.

21       ---On resuming at 10:45 a.m.

22                  MADAM CHAIR:   Please proceed, Mr. Reid.

23                  MR. REID:   Thank you.

24                  Q.   On page 40077 of Volume 221 of the  
25       transcripts, the bottom of that page, I believe the

1 Board began a discussion with Mr. Munro and Ms. Kleer  
2 about the translation of some documents into aboriginal  
3 languages for the benefit of those people who don't  
4 communicate very well in English.

5 I was wondering if any of the members of  
6 the panel can tell me whether, to their knowledge, any  
7 effort has been made in the past to communicate with  
8 native communities through videotapes for the benefit  
9 of those people who can't read or write in any  
10 language, whether English or an aboriginal language.

11 MR. FRY: A. I'm not aware of any.

12 MR. INNES: A. I'm not aware of any.

13 MR. MUNRO: A. I'm not aware of any.

14 Q. Or through the use of television?

15 MR. INNES: A. I'm not aware of that.

16 MR. MUNRO: A. No.

17 Q. Are you familiar with the television  
18 service known as Wawatay, a communication service in  
19 northern Ontario? Any member of the panel.

20 MR. SUOMU: A. I'm aware of it.

21 MR. MUNRO: A. I'm aware of it.

22 Q. Has there been, to your knowledge,  
23 any work, any joint work between Industry and Wawate to  
24 communicate with aboriginal communities about timber  
25 management?

1 MR. SUOMU: A. None that I'm aware of.

2 MR. MUNRO: A. None that I'm aware of.

3 Q. At the top of the next page, at 40078  
4 of the transcript, Mr. Munro you referred, in relation  
5 to third party contracts, to a formal legislative  
6 process. I wonder if you can explain that term to me,  
7 what you meant by the formal legislative process  
8 relating to third party agreements?

9 A. Third party arrangements or  
10 agreements are issued on licence areas and come under  
11 the Crown Timber Act and there is a formal process for  
12 putting a third party agreement in place that has to  
13 take -- or occur before any cutting operations can take  
14 place.

15 Q. Okay. I thought you meant by that  
16 that there was a separate statute that governed third  
17 party agreements?

18 A. No, just the Crown Timber Act.

19 Q. Okay. Page 40080, at the top of that  
20 page, again, Mr. Munro referred to information centres  
21 being located in native communities. I believe that's  
22 what you said. "The other thing" -- I am quoting from  
23 the transcripts:

24 "The other thing that would certainly be  
25 considered, in most cases is done, is the

1 native communities would have an  
2 information centre and it has been at  
3 their request to date."

4 Did you mean by that that at the request  
5 of a Band council an information centre would be set up  
6 on a reserve?

7 A. That's been our experience to date.

8 Q. Okay. Are you aware of any  
9 communication between off-reserve native communities  
10 and Industry groups or MNR, as far as information  
11 centres set up specifically for off-reserve nature  
12 communities?

13 A. Yes, I'm aware of -- in going through  
14 your list, you had identified a number of communities  
15 that are within the northwest region that we deal with.  
16 Ear Falls I believe was mentioned, Kenora.

17 Q. Are you saying that you've had  
18 contact with those native organizations that I  
19 mentioned --

20 A. No, what I'm saying is that we have  
21 held information centres in those communities.

22 Q. I see. But not specifically for  
23 native people?

24 A. No, we haven't made any distinction.

25 Q. Okay. Now, further down that page,

1       you said:

2                       "Going back to my example of Grassy  
3                       Narrows..." This is at line 15 on that  
4       page.

5                       "Going back to my example of Grassy  
6                       Narrows, they do have a resource person  
7                       that will provide that dialogue to  
8                       ensure it takes place and they have an  
9                       economic development officer who I think  
10                      is quite qualified to bring their  
11                      concerns forward and they do have other  
12                      resource people."

13                      You were referring to the staff of the  
14       Band council, I take it; were you?

15                      A. That's correct.

16                      Q. Are you aware of any off-reserve  
17       native communities having similar staff?

18                      A. No, I'm not.

19                      Q. I assume from your reference to this  
20       staff that you were saying to Ms. Kleer that this put  
21       the Band council in a position of being able to  
22       negotiate more or less as equals with the Industry,  
23       that they had advisors, staff, economic development  
24       officers and a resource person who would assist them.

25                      Was that your intention in pointing out



1       that these resource people were available to the Band  
2       council?

3                   A.   Yes, that was the intent.

4                   Q.   Okay.  Would you agree that an  
5       aboriginal community which did not have access to these  
6       sorts of resource people would not have the same  
7       advantage that one having those resource people would  
8       have in negotiating a third party agreement, for  
9       example?

10                   Would that not be logical, that people  
11       without the benefit of staff, assistants or advisors  
12       would not be in the same position as those who have  
13       advisors?

14                   A.   That would seem logical.  I'm not  
15       familiar with, let's say, your client's particular  
16       organization and what support they have, so I couldn't  
17       comment on that.

18                   MR. YOUNG:  A.  Madam Chair, if I could  
19       offer.  The signing of a third party agreement does not  
20       require staff in my experience.  I have experience in  
21       signing third party agreements with individuals that  
22       harvest timber, so...

23                   Q.   I know it does happen.  My point was  
24       simply that it would be an advantage, would it not, to  
25       anybody negotiating a third party contract, especially

1 if we can imagine -- I think you are all familiar  
2 generally with the socio-economic characteristics of  
3 native communities and the level of education of people  
4 in native communities generally.

5 Would it not be a particular advantage to  
6 those people to have the benefit of staff such as those  
7 Mr. Munro mentioned, and I'm assuming that that was  
8 what Mr. Munro was getting at when he said that in  
9 answer to Ms. Kleer's question on June 27th, that this  
10 was something that was a benefit, an advantage to that  
11 native community when they were negotiating a third  
12 party agreement?

13 I didn't say it's necessary, but it's an  
14 advantage.

15 A. I think, as you put it, it would be  
16 an advantage to any individual obtaining a third party  
17 agreement, if there was staff available to assist in  
18 obtaining that third party agreement.

19 Q. Was it the assumption of the  
20 Industry - any of you can answer this - in drafting the  
21 planning process in the witness statement that these  
22 staff people are generally available to native  
23 communities?

24 MR. INNES: A. We made no assumptions  
25 about staffing available to anybody, Madam Chair, when

1 we put this together together. Our direction was  
2 rather one of putting very clear responsibility on the  
3 plan author to try and deal with interest with  
4 individuals or groups on a one-on-one basis so that  
5 effective communication could occur, understanding  
6 could occur and we have identified further that we  
7 would go to some length, whatever was required, that  
8 that dialogue could take place in a meaningful fashion.

9 Q. I believe you said earlier, Mr.  
10 Innes, or maybe it was Mr. Munro, when I asked what you  
11 meant by the term native community, you meant  
12 registered Band councils under the Indian Act; is that  
13 correct?

14 When you are talking about negotiating  
15 with a native community, you mean a Band council  
16 registered under the Indian Act?

17 MR. COSMAN: I think Mr. Munro's answer  
18 was in the context of the transcript that you had.  
19 With the transcript reference you had put to him that's  
20 what he meant.

21 MR. REID: Q. I don't see any other type  
22 of reference to that term in the transcripts. In every  
23 case it appears to me that it is being used in the same  
24 way. Did you use the term in any other context that  
25 you remember? I haven't seen that, Mr. Munro.

1 Did you mean -- when you use the term  
2 native community, have you generally meant Band  
3 councils registered under the Indian Act?

4 MR. MUNRO: A. What I generally meant,  
5 yes, indeed that was the case because I was explaining  
6 to the Board my experience and it has been with those  
7 reserve organizations. I haven't had any experience  
8 with other organizations that represent native  
9 concerns.

10 Q. Okay. At page 40083 of the  
11 transcript, I assume this was Mr. Fry answering the  
12 question at this point. I assume when you said that:

13 "If there was a native community within  
14 the forest or close to the forest for  
15 which a plan is being prepared, we would  
16 certainly take the initiative to find out  
17 if it is appropriate to have an open  
18 house or informing centre at that  
19 community and we will follow through on  
20 that."

21 Again, in that context, when you said  
22 native community, did you mean registered Band  
23 councils?

24 MR. FRY: A. That was my intention at  
25 the time, yes. I wasn't aware of the distinction

1 between that and off-reserve communities, native  
2 communities.

3 Q. Are you aware of any experience in  
4 dealing with native communities other than Band  
5 councils?

6 A. I'm not aware of any, no.

7 Q. Okay. Page 40118. I believe this  
8 was again Mr. Munro answering a question by Ms. Kleer  
9 on June 27th. I'm referring to the assembly of  
10 background information by the district manager and you  
11 said beginning at line 7:

12 "I'm saying that the district manager  
13 would put together an initial draft of  
14 the background information and present  
15 it. The initial draft could, and in most  
16 cases where there was a native community  
17 within the area that was being planned  
18 for would obviously identify that native  
19 community as having some interest and  
20 possibly some values associated with it  
21 as they relate to timber management  
22 planning."

23 Are you aware, Mr. Munro, of any  
24 off-reserve native community being included in this  
25 sense in the background information?



1 MR. MUNRO: A. No, I'm not aware.

2 Q. So that reference as well was to  
3 registered Band councils, was it? When you said native  
4 communities there you meant Band councils?

5 A. That's correct. That's the  
6 experience that I have had.

7 Q. Those are all of my questions from  
8 the transcript. I just have two more general  
9 questions. One rises from one of the answers to a  
10 question I asked earlier with respect to the mailing  
11 lists that are used, the contact list.

12 I wonder if a member of the panel could  
13 tell me what would likely happen in the event -- or  
14 what would be the policy to handle situation like this,  
15 where an individual, say, a member or a representative  
16 of an off-reserve native community identifies what they  
17 consider to be a problem with the draft plan or with  
18 the implementation of the plan and communicates that to  
19 the Industry, to the particular company involved?

20 Is there an Industry policy or, to your  
21 knowledge, would a particular company have a policy of  
22 passing that information, that letter or the name of  
23 the individual who made the phone request for  
24 information or the phone complaint, would that  
25 information be passed on to the Ministry of Natural

1 Resources so that that individual or that community  
2 that individual represents would be, from then on, on  
3 the contact list?

4 MR. MUNRO: A. What we have identified  
5 in our process is that the plan author would have to  
6 deal directly with the individual that raised the  
7 concern regarding the draft plan, and I would suggest  
8 that that would in fact ensure that they are on a  
9 mailing list in the future, as well part of the  
10 supplementary documentation would actually include the  
11 acknowledgment that the individual raised a concern and  
12 how it was dealt with, and then possibly it could go  
13 through the enhanced planning process as well.

14 So there's a number of avenues within our  
15 planning process that will ensure that the individual  
16 does receive contact to begin with and additional  
17 contact on a continuous basis until the planning  
18 exercise is complete.

19 In addition to that, once we have the  
20 approved plan in place, the individual would receive  
21 the notice that there was an approved annual work  
22 schedule available for viewing at the local district  
23 office.

24 Q. You are speaking for Industry as a  
25 whole now, are you, not for your own particular

1 company?

2 A. Industry as a whole.

3 Q. Is this a matter of written policy or  
4 is it simply a given that this would be passed on to  
5 the MNR district office if the company were notified of  
6 a concern by an individual or a community?

7 A. We have included that within our  
8 process. So I would say that we are proposing that it  
9 be a written requirement in future planning exercises.

10 Q. Okay.

11 MR. SUOMU: A. If I could add one thing,  
12 just speaking from experience. I was interested in the  
13 Boise plan for the West Patricia and I happened to go  
14 in as an individual to one of the -- to an open house  
15 in Vermilion Bay, and subsequently I have been involved  
16 included on the mailing list for any amendments and any  
17 notices thereafter and that was three years ago.

18 So I suspect that any individual who  
19 expressed an interest and signs it will, in fact,  
20 continue to be sent all of the relevant notices.

21 Q. What I meant was not necessarily  
22 somebody attending an information centre, but if, for  
23 example, an individual simply telephones a company  
24 office and says: I want to know how close to my  
25 trapline this cutting is going to come, I'm concerned

1     about and I didn't even know this was being -- you  
2     know, that cutting was going to come this close when it  
3     was being planned.

4                     Would that request for information or  
5     that expression of concern be passed on to the  
6     Ministry. As a matter of policy, would it always  
7     happen or is it simply in the discretion of the  
8     individual receiving the complaint?

9                     A. It would be put into supplementary  
10    documentation and recorded and it would become part of  
11    the plan itself, so it is part of the process.

12                    Q. I think I understand.

13                    MADAM CHAIR: Excuse me. Mr. Suomu,  
14    we've heard evidence from the Ministry of Natural  
15    Resources that in fact that is what they attempt to do,  
16    that they try to log that sort of information as part  
17    of that timber management planning process.

18                    Do you think that the Ministry receives  
19    many more calls than would the company directly from  
20    people who have some concern about a proposed timber  
21    operation?

22                    MR. SUOMU: You mean would individuals  
23    contact --

24                    MADAM CHAIR: Would they be likely to  
25    contact the Ministry before they could contact your

1 company?

2 MR. SUOMU: There have been -- yes, it  
3 does occur and those contacts would be passed on to  
4 the -- if it's a company plan, then the company would  
5 pass on that information and those concerns. So it  
6 works both ways.

7 MADAM CHAIR: But usually you would  
8 expect the district office, the district manager of the  
9 Ministry of Natural Resources to receive more calls--

10 MR. SUOMU: That's correct.

11 MADAM CHAIR: --than the company does.

12 MR. SUOMU: I think that as the process  
13 continues and the individuals concerned become more  
14 familiar with the system and know who to contact, then  
15 they may deal with the plan author directly and, in  
16 effect, not deal with the Ministry at that level and  
17 then their concern, of course, would be passed on to  
18 that part of the process.

19 MR. REID: Q. One more question from the  
20 witness statement and then I will have one final  
21 general question. It is not specific, it is not in  
22 reference to any specific part of the witness  
23 statement, but there was a general discussion  
24 throughout it of the identification of areas of  
25 concern. I am looking now at page 36, if you want to



1 look at it, I am not going to quote from it.

2 On page 36 there is some discussion of  
3 the creation of the values map. Would it be your  
4 understanding that in producing this map aboriginal  
5 communities that wanted to participate, that indicated  
6 an interest would receive funding from some source to  
7 allow them to produce a map of their own or to identify  
8 on a map areas of concern?

9 MR. COSMAN: I don't know if that's a  
10 question that the witnesses could answer, Madam Chair.  
11 I would certainly hope that our government would fund  
12 all the appropriate activities of the native  
13 communities. I don't know if these witnesses are in a  
14 position to answer whether or not there should be  
15 funding of certain native interests.

16 MR. REID: All right, I understand. I  
17 understand that answer, that's fine.

18 Q. One question arising from that answer  
19 then from Mr. Cosman. Would the witnesses be aware --  
20 or are you aware of native people who simply don't read  
21 maps as such who may know very well where particular  
22 areas of concern are to them, but they would be unable  
23 to show on a map where it is?

24 They might be able to take you out in the  
25 bush and show but they can't show you on a map. From

1 your experience, is that something that happens?

2 MR. MUNRO: A. Madam Chair, that's  
3 exactly what happened in our case with the spirit rock.  
4 That individual knew the approximate area where it was,  
5 but was unable to put his finger to a map. So,  
6 consequently, we did go out and actually locate it.

7 Q. Would you agree, then, given that,  
8 that it would be useful for aboriginal communities  
9 which want to participate in the planning process to  
10 have whatever funding was necessary, apart from the  
11 source of the funding for now, that it would be useful  
12 that they have the funding necessary to produce maps,  
13 the kind of maps that you gentleman would be able to  
14 read, for example, which would identify areas of  
15 concern of aboriginal communities?

16 A. It's difficult to answer until we  
17 knew the specifics in terms of --

18 Q. Forget the funding, then. Would  
19 those sorts of maps be useful, maps produced by  
20 aboriginal communities identifying their traditional  
21 food, harvesting areas, their sacred sites, for  
22 example? Those be useful?

23 A. I would think they would be extremely  
24 useful. We would certainly encourage all native  
25 communities to produce them.

1 MR. SUOMU: A. That would be the type of  
2 input that we would be soliciting from the native  
3 community for inclusion on the values map and as the  
4 value map develops over time. When more of these  
5 values are identified and the native community becomes  
6 more aware of how their values can be identified, then  
7 I think that, yes, that -- I think this become an  
8 ongoing process.

9 Q. I would suggest it's not so much a  
10 matter of not knowing how to do it, it's a matter of  
11 funding which we will deal with later; it's having the  
12 resources to hire somebody, or until such time as the  
13 MNR and Industry reps are able to understand the  
14 traditional way of identifying areas.

15 And as long as native people are required  
16 to operate in this world of planning, it's simply a  
17 matter of having the resources to communicate. I don't  
18 want to get into that now, we will get into that in our  
19 evidence.

20 One general question, then, to conclude.  
21 I would like any member of the panel to tell me how  
22 they think the communities that I've described, the  
23 off-reserve native communities that are represented by  
24 OMAA would be better off under the Industry's proposed  
25 planning process than they are under the current

1 system?

2 MR. INNES: A. I can offer a beginning  
3 to the conversation, Madam Chair, by stating that our  
4 planning system in which the Industry has put forward  
5 emphasizes the need for the plan author to make  
6 individual contact with all interested parties and we  
7 firmly believe that personal contact is the beginning  
8 of dialogue and understanding and because of the  
9 emphasis that we put on this in resolving -- sorry, in  
10 identifying values and key issues in trying to resolve  
11 any conflict that might possibly arise from them early  
12 in the planning concept, we think this is a superior  
13 system than the one currently proposed by the Ministry  
14 of Natural Resources.

15 Q. So you are saying there would be more  
16 personal contact than there is currently?

17 A. The plan author under our proposal,  
18 Mr. Reid, has an obligation to contact the individual  
19 parties that expressed an interest in this and that's a  
20 direct personal contact.

21 Q. And that's as distinct from the  
22 current process?

23 A. That's correct.

24 Q. And that would be -- so it's a matter  
25 of process. You're not suggesting, then, that there

1 might be a better result for native communities, the  
2 communities that I said that OMAA represents in this  
3 process.

4 Apart from the fact that there would be  
5 personal contact with the plan author, would there be  
6 any other tangible benefits that you can think of?

7 A. Tangible benefits surely flow from  
8 that in terms of a better understanding of that  
9 community's concerns, especially as it relates to the  
10 timber management of the timber resource I would think.

11 MR. REID: Those are all my questions.  
12 Thank you.

13 MADAM CHAIR: Thank you very much, Mr.  
14 Reid.

15 Mr. Hanna?

16 MR. HANNA: Good morning again, Panel.

17 CONTINUED CROSS-EXAMINATION BY MR. HANNA:

18 Q. We left off yesterday talking about  
19 Dr. Baskerville's transcript, Exhibit 1281. I'd like  
20 to pick up from where we left off yesterday, if we  
21 could.

22 Mr. Innes, there were several comments  
23 that you made yesterday in relation to this that I  
24 would like to make sure I understand. First of all,  
25 you indicated that you undertake your annual allowable



1 cut calculations on a five-year basis each time a new  
2 plan is prepared; correct?

3 MR. INNES: A. We carry out the  
4 allowable cuts at five-year intervals, yes.

5 Q. And when you do your allowable cut  
6 calculation, that's a calculation that looks at the  
7 total production of the forest over rotation; is that  
8 correct?

9 A. That's correct.

10 Q. And what time interval are your  
11 annual allowable cut projections made at over that  
12 rotation?

13 A. If I understand your question  
14 correctly, it's over the rotation age of that  
15 particular species that you are dealing with.

16 Q. But you project -- as I understand  
17 it, you have a yield curve or a supply curve from your  
18 forest management unit is; correct?

19 It shows the amount of wood that you  
20 expect that you can produce over the rotation of the  
21 forest?

22 A. No, I don't believe that is correct.  
23 The allowable cut calculation shows what we anticipate  
24 being able to harvest within the five-year period with  
25 knowledge that we will rerun that at the end of five

1 years knowing that, more than likely, parameters will  
2 have changed by that time.

3 Q. Right. That's how you've come up to  
4 your annual allowable cut, but in terms of deciding on  
5 that one has to look over the rotation of the forest to  
6 see if you are going to overdeplete the forest -- or  
7 overharvest the forest or underharvest the forest;  
8 correct?

9 A. Yes, that's correct in terms of what  
10 parameters you would choose to make an appropriate  
11 calculation in your professional judgment as to what  
12 should be harvested now relative to what that does to  
13 the forest over a rotation.

14 Q. And you do that on an interval basis  
15 over that forest rotation?

16 A. Yes.

17 Q. What's the interval?

18 A. Every five years, unless something  
19 occurs, Madam Chair, that would cause a disaster in the  
20 forest that would cause you to recalculate on a more  
21 frequent basis, such as a large fire or a blowdown or  
22 what have you.

23 Q. You were most complimentary yesterday  
24 saying that I could develop a stand model similar to  
25 what Abitibi-Price has in house. I'm not sure that I

1 am as confident about my abilities as you are, but, be  
2 that as it may, you did mention that there are public  
3 domain models such as Timber Ram?

4 A. Yes.

5 Q. And Timber Ram is basically an  
6 optimization model that looks at a harvest -- available  
7 harvest queue and optimizes that on a -- usually on a  
8 least cost basis; is that correct?

9 A. That's correct.

10 Q. And in order to operate a model like  
11 Timber Ram which would be in the public domain, that a  
12 member of a public interest group might be able to  
13 access and use to evaluate a timber management plan,  
14 they'd require certain key inputs into that model;  
15 wouldn't they?

16 A. Yes. They'd require forest inventory  
17 data, they'd require assumptions about road building  
18 costs, harvesting costs, et cetera. It has been a  
19 number of years since I looked at Timber Ram, Madam  
20 Chair, I'm not sure of all the inputs required for it.

21 Q. I'm not concerned with Timber Ram per  
22 se, it's just that gender of model that I'm referring  
23 to and those are the types of inputs.

24 Where would a member of the public go to  
25 get that kind of information? How would I access that

1 information for one of your forest management units?

2 I went to look and say: Here is the  
3 harvest schedule that the Industry is proposing, I  
4 think there may be one that may suit my interest better  
5 and I am going to use my own public domain model to  
6 see -- put some different constraints on it, some  
7 different optimization functions, all those fancy  
8 things and come up and see if I can get a different  
9 allocation. Now, you've mentioned some of the things:  
10 Road building costs, harvesting costs, stand  
11 information, wood demand.

12 Where would I compile that information?

13 A. You could get a considerable  
14 proportion of those, Madam Chair, Mr. Martel, from the  
15 timber management plan, past timber management plans,  
16 you could speak to the Ministry of Natural Resources in  
17 terms of access to the forest resources inventory  
18 information, and I would presume you would be able to  
19 obtain some help from speaking to individual foresters  
20 from the unit -- forest management unit in question.

21 Q. So what you're saying is, there is a  
22 large public database that would be suitable for that  
23 type of analysis?

24 A. Yes, there is.

25 Q. Now, another point that we were

1 talking about in terms of stand structures and  
2 production possibilities, and you indicated in the  
3 timber production policy that there had been a  
4 bottom-up analysis and then the top-down decision has  
5 been made in terms of the provincial policy and that it  
6 would ultimately come down to the forest management  
7 unit level in terms of investments and roads and  
8 silvicultural treatments and a whole variety of things  
9 like that; correct?

10 A. That's correct.

11 Q. Then you were saying: Okay, that  
12 basically sets out the production possibility for that  
13 forest; isn't that what -- is that what you were  
14 saying?

15 A. That's the way it was handled last  
16 time I looked at it, yes.

17 Q. Yes, but the question is this: We've  
18 made or we've set as a target a certain investment in  
19 terms of road building, silvicultural treatments, et  
20 cetera, but even within that assignment of effort to  
21 that forest management unit, would you not agree with  
22 me that there still is a large range of forest  
23 structures that I could achieve within that allocation,  
24 within that decision that's been made?

25 A. Yes, I would agree with that because



1       those were levels of activity across a forest  
2       management unit and, obviously, there would be latitude  
3       to undertake those activities in different types of  
4       stands, in different types of sites, different species,  
5       et cetera, or to influence the timing thereof and  
6       thereby change stand structure throughout the forest.

7                   Q.   And a lot of things may have changed  
8       since the 1972 policy?

9                   A.   Most certainly.

10                  Q.   The last thing I have here just to --  
11       do my clean-ups before I get back into the main stream,  
12       is we had talked about the forest production policy and  
13       the fact that it had made these sort of decisions and  
14       we've had this bottom-up analysis and top-down  
15       allocations, whatever. That policy was passed in 1972;  
16       correct?

17                  A.   That's correct.

18                  Q.   We now have, as the Board has heard,  
19       new production policies underway, so that's 18 years or  
20       whatever. Do you see a more frequent roll-over  
21       provision as a reasonable inclusion in the provincial  
22       forest production policy?

23                  A.   Yes, I do.

24                  Q.   Do you have any recommendations to  
25       the Board, as much as it's within their purview, that

1 they might recommend to the government what that  
2 interval might be?

3 A. Madam Chair, that's a very complex  
4 question and I feel I'd be overstepping my professional  
5 bounds to make any recommendation as to what that  
6 should be.

7 Q. Okay. Can we now turn directly to  
8 Exhibit 1281, Mr. Innes, and page 15.

9 A. Yes, I have it.

10 Q. And this is a continuation of the  
11 discussion that we were referring to yesterday when the  
12 chairman of the committee had asked Dean Baskerville  
13 about this matter of resolving conflicts, conflicting  
14 desires in the forest sector, and he continues on on  
15 page 15.

16 The first full paragraph there is one  
17 we've heard before, that was in an earlier submission  
18 that Dean Baskerville -- that analogy that he describes  
19 there, and then it's the next paragraph I'd like to  
20 look at when he says:

21 "We cannot manage that way..." and he is  
22 referring to the constraint approach, correct?

23 "The most important issue is to go back,  
24 Mr. Chairman, to defining what we could  
25 have, is to make it possible to offer six

1 production possibilities from a forest  
2 and for each one to be able to show how  
3 much timber you would get, what it would  
4 cost you in terms of silviculture to grow  
5 it, what it would cost you in terms to  
6 deliver it, what wildlife you would have  
7 for, say, half a dozen target populations  
8 and what recreation opportunities you  
9 would have in some measurable manner so  
10 that you could compare the  
11 opportunities."

12 And he concludes and says:

13 "We do not have just one thing to do.

14 Our problem is choice. The hardest part  
15 is to get people to understand they have  
16 a choice."

17 Do you agree that a central problem in  
18 timber management is convincing the public that they  
19 have a choice and clearly presenting those choices to  
20 them?

21 A. We are speaking -- or Dr.

22 Baskerville, as I understand it, is speaking about this  
23 on a national scale and I can only answer Mr. Hanna's  
24 question in terms of my experience of talking to the  
25 public across Canada about forest management.

1                   And my understanding from the  
2           conversations I had is that people do understand that  
3           there is a range of investment that can be made in  
4           forest management activities and that this range and  
5           levels of investment and intensity of investment will,  
6           in fact, produce differing results.

7                   What I suspect Dr. Baskerville is talking  
8           about is the difficulty of people understanding that  
9           they have an opportunity or should have an opportunity  
10          for input to the choices and perhaps a more direct way  
11          to influence which choice is the most appropriate one  
12          in light of their local situation.

13                   Q. So you see the presentation of a  
14          choice and a reasonable range of choices to the public  
15          as a key issue to address in timber management  
16          planning?

17                   A. I would express it differently, Madam  
18          Chair. I think the public must understand that there  
19          are a range of choices and that they've been examined  
20          and the choice that is put before them be explained to  
21          them as to why that was chosen over -- or amongst other  
22          choices, and that they have an opportunity to know what  
23          that range of choices is should they wish to explore  
24          the issues further.

25                   And that is why, if I may carry on for a

1 moment, of why we have separated in our planning  
2 proposal to the Board two levels: The background  
3 informing, the database, which contains for public  
4 interest and examination the full documentation of the  
5 nitty gritty of the calculations of the alternatives  
6 and the choices available and the actual plan itself  
7 which is simpler; it provides only the information on  
8 the chosen alternative.

9 Q. There are several issues you've  
10 raised there. Let me just deal with the last one first  
11 because I will forget it otherwise.

12 Your point is, in the executive summary,  
13 the one that's -- I think you've described it as sort  
14 of general public distribution for the person who is  
15 interested in very specific sites, the range of choices  
16 wouldn't be present there, just this is the choice and  
17 with summary explanation for why; correct?

18 A. That's correct.

19 Q. But you're telling me, though, in  
20 the -- now, would this be in the database or the  
21 supplementary documentation? Where would these  
22 alternatives be evaluated in more detail for the person  
23 who wants to dig deeper?

24 A. I am going to have to ask Mr. Munro  
25 to assist. My understanding is in the database we are



1 talking about here.

2 MR. MUNRO: A. It would be located in a  
3 couple of spots, Madam Chair. It would be identified  
4 as part of the background information.

5 Maybe to assist, background information  
6 would highlight the information that -- or what has  
7 occurred up to that point in time and taking a couple  
8 of examples out of it, you would have the SLUP document  
9 which would be there and some explanation of it, you  
10 would have the District Land Use Guidelines and the  
11 associated targets and range of options that were  
12 considered during the production of that actual  
13 guideline which the public had considerable input into.

14 I could go -- there is a number of  
15 resource issues that they looked at during production  
16 of the actual guidelines. Some of the questions that  
17 Mr. Hanna is leading to, some of those options and  
18 choices were examined during that planning exercise to  
19 produce those guidelines.

20 Q. Mr. Munro, I'm sorry to interrupt,  
21 but I just want to make sure. I'm talking here about  
22 choices in the timber management planning process.

23 Now, maybe you can just clarify for me on  
24 that particular point with respect to the DLUGS and  
25 SLUPS. Are you suggesting that those would set out the

1 range of choices and the public would then have a -  
2 choice to say: Well, that's a choice or this is a  
3 choice or this is a choice for this forest management  
4 unit and on that basis be able to choose, or has that  
5 decision already been made?

6 A. What I'm suggesting is that the  
7 district manager has to look at the target that's been  
8 assigned to that particular district and the Industry  
9 is recommending that that target be assigned to the  
10 forest management unit.

11 MR. MARTEL: That's already been  
12 established. I think what Mr. --

13 MR. MUNRO: No, it hasn't been  
14 established, Mr. Martel.

15 MR. MARTEL: In the present?

16 MR. MUNRO: No. What has been  
17 established to date is the district target. There has  
18 been no breaking down of that district target into a  
19 management unit basis.

20 So what we are suggesting under our  
21 proposal is that the district manager would take a look  
22 at his target, would take a look at the management  
23 units that he has in his district and would break that  
24 target down to a particular management unit and provide  
25 some explanation of how that was done.

1                   By all means, he would write that up in  
2                   an executive summary, take that to the various advisory  
3                   committees and go: Okay, here's the target that I had,  
4                   I have to work within that context, here is my  
5                   breakdown, what do you think, provide me with some  
6                   input, take a look at it, give me some advice, is the  
7                   target realistic for that management unit.

8                   In addition to that, if a district  
9                   manager felt or his staff felt that they couldn't meet  
10                  the target, that the target was artificially too high  
11                  or it could be too low, in our process he would have to  
12                  document that as well, put together some strategies  
13                  saying: I think the target is too high, and take that  
14                  to the public and the public would have an opportunity.

15                  MR. MARTEL: Could they influence--

16                  MR. MUNRO: Yes.

17                  MR. MARTEL: --that's what I'm getting  
18                  at. Could they influence -- all of that is a given to  
19                  this point.

20                  MR. MUNRO: Right.

21                  MR. MARTEL: Can the public at this stage  
22                  influence any decision that might be made?

23                  Here are the range of options, let's say,  
24                  and we helped to select A as opposed to D, that sort of  
25                  direct involvement, otherwise is there a concern that

1 the public seems to be just rubber stamping things?

2 MR. MUNRO: No, I think they have a lot  
3 of opportunity to dialogue with the district manager on  
4 how that breakdown was made and have provided advice  
5 and, you know, we think you can do better or have you  
6 thought of this.

7 The final decision still rests with MNR,  
8 but the district manager definitely has to consider  
9 their advice. And if the public as a whole or even as  
10 an advisory committee want to see something different  
11 or another option or strategy produced, they would  
12 definitely identify it and the district manager would  
13 have to do that in some respects, if it was  
14 appropriate. I think the public have a key role to  
15 play in that.

16 MR. HANNA: Q. Mr. Munro, I want to make  
17 sure I understand this. We talked before about if the  
18 target was too high; in other words, it was  
19 unachievable given the current forest structure or  
20 whatever, and i that case you said: Then you could  
21 expect in the detailed analysis an analysis of  
22 alternatives to try to arrive at a more feasible target  
23 for that particular forest benefit or the timber  
24 component of that forest benefit for the forest  
25 management unit; correct. That's what you told me

1 yesterday.

2 MR. MUNRO: A. No, I don't think that's  
3 what I told you. In terms of how do you adjust a  
4 target -- and perhaps it might be helpful, we did  
5 address this in an interrogatory that was submitted and  
6 you will just have to give me a minute to find it.

7 It's MOE No. 10, question No. 10, which  
8 they are asking a question much similar to what Mr.  
9 Hanna is asking and they do --

10 MR. COSMAN: Just a second, Mr. Munro.  
11 Does the panel have it?

12 MR. MARTEL: That's 1272?

13 MR. MUNRO: Exhibit 1272.

14 MR. MARTEL: Page?

15 MR. MUNRO: I'm sorry, it's not numbered,  
16 Mr. Martel. It is the second index, MOE No. 10.

17 MR. MARTEL: All right.

18 MR. COSMAN: Tab 2.

19 MR. MARTEL: Here we are.

20 MR. MUNRO: That interrogatory is asking  
21 a similar question to what Mr. Hanna is and it is how  
22 do you -- if you determine that a target is  
23 unrealistic, how do you go about correcting it or  
24 having it corrected, and to a certain extent what we  
25 have explained in our answer is that you have to live



1 with the target until you amend the District Land Use  
2 Guideline. There is a formal process that's in place  
3 where MNR has allowed for the amendment of a District  
4 Plan Use Guideline.

5 It cannot arbitrarily take place by a  
6 district manager. It has to go through a public review  
7 process, the public has to have the opportunity to look  
8 at some of those options and those choices again and in  
9 our answer we explain that. What would justify  
10 amending a target, and what we have said is public  
11 concern and interest would justify going through that  
12 formal process, but that would be a process that's not  
13 connected with timber management planning per se, it  
14 would be connected with the District Land Use  
15 Guidelines.

16 So if you did have a target that was too  
17 high, it would be identified through the timber  
18 management planning process and that district manager  
19 would have to address his strategies on how he or she  
20 was going to deal with that particular problem in that  
21 five-year period not adjusting the target.

22 It might provide impetus to go through  
23 the informal amendment procedure for the District Land  
24 Use Guidelines, thereby getting the target lowered if  
25 that was realistic. That would have to have regional

1 input and if affected the regional target it would have  
2 to be provincial input if it affected the provincial  
3 target.

4 So it's all tied together; you just can't  
5 arbitrary go in and adjust targets at will. It is  
6 somewhat complicated because there has been a formal  
7 process that we've gone through and I believe it had  
8 extensive public participation. I think it was  
9 somewhere around 10,000 people participated in that  
10 exercise and we just can't arbitrarily decide tomorrow  
11 to do something different than what was decided at a  
12 previous public participation exercise in producing the  
13 District Land Use Guidelines. So it is somewhat  
14 complicated.

15 MADAM CHAIR: Do you know of any  
16 amendments that have been made under this process to  
17 the District Land Use Guidelines?

18 MR. MUNRO: I can't think of any in my  
19 area. Perhaps the panel members could...

20 MR. FRY: A. I am not aware of any.

21 MR. MARTEL: You see, with such a process  
22 can you not envisage the public saying you can't fight  
23 City Hall. I mean, it is just mind boggling to get  
24 anything changed.

25 MR. MUNRO: I'm not so sure it would be,

1 Mr. Martel. If it was warranted, I think you could see  
2 it expedited, but the thing is you can't circumvent the  
3 process either, otherwise you lose control and by  
4 catering to one specific client group you could be  
5 influencing another's, so I think you have to be  
6 responsible to all interested --

7 MR. MARTEL: I just look at the process,  
8 though, that you have to effect. Somebody down  
9 somewhere decides: Well, this target is unacceptable,  
10 and by the time you influence the district land  
11 manager, who then decides you need an amendment, the  
12 amendment has to go through the whole cycle at all  
13 levels. I mean, it sounds like you would need a  
14 battery of lawyers to simply move the thing two inches,  
15 if I can be so bold. I mean, it just seems like a  
16 very, very lengthy process.

17 MR. INNES: I think one of the  
18 differences, sir, is that there is no formal process  
19 now in place to do that except at a very high level.  
20 You know, they are going to redo these at a set period  
21 of time and what we are suggesting in our evidence is  
22 that we like to put in a process through the  
23 tri-committee structure where it could be on a  
24 hands-on, individual basis hopefully with some degree  
25 of success.

1 MR. MARTEL: As opposed to the other  
2 process.

3 MR. INNES: Which is very cumbersome and  
4 extremely large. So we are trying to provide a process  
5 which is geared to making local change in a structured  
6 fashion without upsetting the whole --

7 MR. MARTEL: Hopefully these thing would  
8 be identified much more quickly--

9 MR. INNES: Yes, precisely.

10 MR. MARTEL: --through your process.

11 MR. INNES: That's the intent.

12 MR. COSMAN: Mr. Martel, you raise by  
13 your question the policy issue as to the date. That  
14 perhaps points out the danger in having an MNR official  
15 at the local level make an arbitrary decision as well.  
16 That's the other side of it.

17 You may want to have a better way of  
18 amending something, but at the same time an official to  
19 say: Even though we have so many moose, it is going to  
20 be something else, notwithstanding the public  
21 participation that led to that decision. It is a  
22 balancing of those competing planning needs.

23 MR. HANNA: Mr. Martel, there will also  
24 be, I expect, at some time evidence with respect to the  
25 authority of this Board with respect to the District

1 Land Use Guidelines in terms of the fact that this  
2 activity is under the Environmental Assessment Act and  
3 whether -- in fact, how the two interface, but I won't  
4 deal with that now.

5 MR. MUNRO: Just to carry on for Mr.  
6 Martel's benefit...

7 MR. MARTEL: I am just trying to takes  
8 notes. This is a fascinating area and I am trying to  
9 get some notes and follow. If you could just slow down  
10 just for a second until I --

11 MR. MUNRO: I certainly understand your  
12 concern --

13 MR. COSMAN: Mr. Munro, just a second.

14 MR. FREIDIN: I was just wondering while  
15 you were writing, Mr. Martel, whether you used the term  
16 battery of lawyers intentionally.

17 MR. MARTEL: Well, I just looked out and  
18 I saw them all there.

19 MR. COSMAN: That's because you've  
20 included Mr. Hanna.

21 MR. MARTEL: We are going to give him his  
22 degree before he finished.

23 MADAM CHAIR: Mr. Munro?

24 MR. MUNRO: I can understand why you see  
25 it as a complicated exercise, but within our process we



1 have allowed for a deviation from the guideline and if  
2 the district manager felt it was in the best interest  
3 of resource management -- timber resource management  
4 that is, to deviate from that guideline, he can put  
5 that forward and isolate it and highlight it as a  
6 deviation and take it to the committees and have them  
7 provide input.

8 It would have to go through all the  
9 advisory committees and the general public, so there is  
10 a provision for some deviation for that period of time  
11 which would allow the formal structured process that we  
12 are recommending to take place.

13 MR. HANNA: Q. Mr. Munro, in the case  
14 that such deviation took place and say it affected the  
15 interest of the forest industry in a negative way and  
16 you were concerned about that, you would still have  
17 available to you a formal appeal process, a bump-up,  
18 and have the full public review of that change if that  
19 was so -- if the forest industry felt committed that  
20 way; is that not fair?

21 MR. MUNRO: A. That's true. The  
22 Industry would have that opportunity as well as any  
23 anybody else in Ontario.

24 Q. Okay. Now, let's just take the given  
25 that you've given me at the present time, that the

1 target is more or less a given, okay, there's a target  
2 for the district. We don't have targets for moose  
3 habitat; do we?

4 A. Not in the current District Land Use  
5 Guidelines, no.

6 Q. So we've always got to make a  
7 connection between that population objective and the  
8 corresponding habitat requirements, correct, because  
9 that's the timber component that you manage as a timber  
10 manager?

11 A. Most definitely. The Moose Habitat  
12 Guidelines outline how they see that happening.

13 Q. But there is not a connection in the  
14 guidelines to population?

15 A. I believe there is. I think we have  
16 answered an interrogatory on that.

17 Q. I was going to deal with this later,  
18 but now that we've brought it up, perhaps you can...

19 MADAM CHAIR: I thought, Mr. Hanna, when  
20 we had evidence from Mr. Monzon--

21 MR. HANNA: Mr. Monzon, yes.

22 MADAM CHAIR: --a long time ago we  
23 received a great deal of evidence about District Land  
24 Use Guidelines and we explored in some of them -- and  
25 there were some numbers with respect to the size of the

1       moose herds in the district.

2                   MR. HANNA: Yes.

3                   MADAM CHAIR: Is that what you are  
4       talking about?

5                   MR. HANNA: No, Madam Chair.

6                   MADAM CHAIR: You are talking about the  
7       number of moose in a management unit?

8                   MR. HANNA: No, Madam Chair. What I'm  
9       talking about is we have population targets and, as Mr.  
10      Monzon explained in his evidence, there was -- in going  
11      to the development of the target, there was an existing  
12      moose population and as Dr. Euler has given the Board  
13      evidence, there was a mathematical model called ONEPOP  
14      which was used to project the population as to how it  
15      might change over time.

16                   What's missing is the connection between  
17      that population objective and the physical habitat  
18      needed to sustain that population and that physical  
19      habitat, in my understand of the Industry's evidence,  
20      is the timber component of that non-timber resource.  
21      And so to integrate that district land use target,  
22      which is in population numbers, to the timber component  
23      that the Industry is dealing with, we have to make that  
24      connection in terms of the physical habitat.

25                   I am not aware of anything in the

1 guidelines or any evidence that's been brought before  
2 this Board except for one exhibit that Dr. Euler hand  
3 drew which said if we have a habitat of this  
4 configuration we will have 1. whatever moose per square  
5 kilometre.

6 MR. FREIDIN: There was more than that, I  
7 think. Considerably more than that.

8 MR. HANNA: Well, fine. That's my best  
9 recollection, Mr. Freidin. That's the type of  
10 connection we are talking about.

11 MADAM CHAIR: So in your question you are  
12 asking, with respect to the District Land Use  
13 Guidelines, if for a district the target moose  
14 population is 20,000 you would expect there to also be  
15 "x" number of hectares--

16 MR. HANNA: Of late winter cover, yes.

17 MADAM CHAIR: --that would provide that  
18 habitat?

19 MR. MUNRO: Mr. Hanna is correct. What  
20 we have in the guidelines themselves is the population  
21 for the entire region and it explains how moose habitat  
22 requirements are taken care of through the guidelines.  
23 So he is absolutely correct. At this present time  
24 there is no, say, winter habitat target for a  
25 particular district.

1 MR. HANNA: Q. Okay. So we've got to  
2 make that connection and say we've made that  
3 connection, we've now got a target in terms of moose  
4 for the district and we have to assign that target now  
5 to the different forest management units within the  
6 district; correct?

7 MR. MUNRO: A. That's correct.

8 Q. Okay. And that would involve IRUC  
9 actually, that's where it really occurs; isn't it?

10 A. No, the district manager would look  
11 at that. He has his target for the district. That  
12 would be reviewed by the regional committee to ensure  
13 that it was consistent.

14 Q. What happens when a forest management  
15 unit is bisected by a district boundary?

16 A. I would think there would be some  
17 approximations made and a biologist would take a look  
18 at that and say -- try to isolate that division in  
19 their mind.

20 Q. So both district managers would be  
21 involved in that circumstance?

22 A. Or their staff, I would think.

23 Q. Yes, okay. So let's make it simple.  
24 We've got one district, two forest management units.  
25 Now, the choices that we would have available, the



1 choice that we, being the public, would have available  
2 to us would be we have -- that target is fixed for the  
3 time being, we will accept it as being fixed, would  
4 simply be the proportion of that target being met  
5 between the two forest management units? That would be  
6 the choice.

7 A. That's correct.

8 Q. And that choice and the rationale for  
9 that choice would be included in this background  
10 information in Appendix 1 of your report where it gives  
11 that description?

12 A. That's correct.

13 Q. All right, so I understand that.  
14 Now, you'd said if the target is too high that's a  
15 problem. It turns out, as being Dean Baskerville calls  
16 it, I think his words are, the first issue has to be to  
17 find a way to explain to the public owners of the  
18 forest what they could have, what is achievable with  
19 consistency between ends and means.

20 So if we had a target that was too high,  
21 that would mean that we have an inconsistency; correct?

22 A. One could assume that, yes.

23 Q. So in that situation you have got to  
24 go back and evaluate alternatives and try to redefine  
25 the target to a reasonable level given the current

1 state of the forest management unit; correct?

2 A. That's certainly what the Industry is  
3 recommending.

4 Q. Now, you'd said that option also  
5 existed if the target was too low; is that correct?

6 If people looked and say: Hey, we can  
7 produce a lot more moose off of this forest management  
8 unit than we are at the present time. Even though the  
9 target is this, we think we can do a lot better than  
10 that. That would also be a basis to kick in that  
11 process?

12 A. Certainly the district manager would  
13 identify if the target was too low and explain that the  
14 production of the moose population could be increased.

15 It might be looked at in terms of a  
16 regional perspective; maybe another district is too  
17 high. There might be some balancing and I assume that  
18 will take place.

19 Q. All right. I would like now to look  
20 at the OFAH terms and conditions, condition No. 6 which  
21 is on the first page of the terms and condition. I  
22 just want to confirm that condition 6 is basically  
23 reflecting the same sense of what you have just told  
24 me.

25 MADAM CHAIR: This is your term and

1 condition No. 6, Mr. Hanna?

2 MR. HANNA: Yes, Madam Chair.

3 MR. COSMAN: Which page?

4 MR. HANNA: First page.

5 MR. MUNRO: Page again, Mr. Hanna,  
6 please?

7 MR. HANNA: It's the very first page, Mr.  
8 Munro. Your question is...?

9 MR. HANNA: Q. Is that condition  
10 reflecting the type of process that you have just  
11 described in terms of the role of the District Land Use  
12 Guideline, SLUPS, timber production policy, moose  
13 production policy?

14 MR. MUNRO: A. In terms of the timber  
15 component of the other resource programs, I would think  
16 that would be fair.

17 Q. Okay.

18 MR. FREIDIN: I'm sorry, what was the  
19 answer?

20 MR. MUNRO: In terms of the timber  
21 component of the other resource programs, that would be  
22 a fair analogy.

23 MR. HANNA: Q. When we started this  
24 discussion -- oh, I have one other thing before I get  
25 back to where we started all this and that is, the

1 response to the interrogatory that you had referenced  
2 me to, Mr. Munro, the Ministry of the Environment's  
3 interrogatory No. 10?

4 MR. MUNRO: A. Right.

5 Q. I'm looking at part B of that  
6 response and it deals with this situation where there  
7 is an infeasible target and it says:

8 "He or she must identify problems and  
9 issues and develop proposed strategies to  
10 address the problem of competing  
11 interest."

12 Now, in our discussion of definitions  
13 when I was here in June, that was something that was  
14 that was left over; we didn't deal with what you mean  
15 by a strategy.

16 How does a strategy differ from a goal,  
17 objective and a target? Do you use those four terms as  
18 a group? How is a strategy different than a target?

19 A. In my mind, and my peers can help me  
20 out, a strategy is my mind is a course of action that  
21 one lays out to achieve an objective or target or goal.

22 Q. An example of that would be the  
23 silvicultural groundrules?

24 A. I think that would be a good example.

25 Q. Okay. Now, I'm back to you, Mr.

1 Innes. We were talking about this matter of choice.

2 MR. INNES: A. Yes.

3 Q. And you had said that you feel  
4 confident that the public is aware that different  
5 levels of investment on a forest management unit can  
6 result in different results? That was the --

7 A. Yes, I believe --

8 Q. So in that sense you felt that you  
9 disagreed with Dr. Baskerville because you felt the  
10 public did understand that they had that choice?

11 A. I was trying to interpret Dr.  
12 Baskerville's comment on a national perspective, which  
13 is the one he was addressing, and as a result I believe  
14 I said, I thought he was addressing the perceived  
15 difficulty of the public of having access to -- of  
16 having access to the choice decisions that they make.

17 Q. Mr. Innes, we aren't dealing on a  
18 national level as I know you are only too aware, and I  
19 am not asking you to interpret what you think Dr.  
20 Baskerville meant. I am asking for your opinion, okay?

21 You have to take what you see there and  
22 interpret it in the best way as you know as an expert  
23 and give me your opinion. Now, I want to deal at a  
24 timber management plan level/forest management unit  
25 level.



1 Now, do your comments apply also at that  
2 level?

3 MADAM CHAIR: Are you referring to public  
4 and private investment, Mr. Hanna?

5 MR. HANNA: I'd asked the witness that  
6 and he was the one who suggested different levels of  
7 investment, Madam Chair. I had assumed that it was  
8 primarily the public investment, but it is really his  
9 words. I would ask you to ask him.

10 MR. INNES: Madam Chair, as I understand  
11 it, I am specifically addressing the third paragraph on  
12 page 15 of the transcript and Mr. Hanna has asked me to  
13 speak to this in terms of a forest management unit, of  
14 whether or not I agree with Dr. Baskerville's comment:

15 The hardest part is to get people to  
16 understand that they have a choice..."  
17 and within that framework I don't agree with that  
18 comment.

19 MR. HANNA: Q. And the reason that you  
20 don't agree is because you are of the view that the  
21 public does understand that there is different results  
22 associated with different levels of investment and they  
23 understand that as being a choice they have available  
24 to them?

25 MR. INNES: A. That is correct.

1 Q. Now --

2 MADAM CHAIR: Your question is, if  
3 government spent more money on the forest, then the  
4 public would get more out of it with respect to timber  
5 and non-timber resources?

6 MR. HANNA: Potentially, yes. That's how  
7 I interpreted it.

8 Q. Is that not your interpretation, Mr.  
9 Innes?

10 MR. INNES: A. Yes, that there are a  
11 range of things that you can do in the forest, Madam  
12 Chair. I think the public understands that there is a  
13 range of things that can do that depend upon money and  
14 manpower and effort and environmental impact.

15 MR. MARTEL: I am having difficulty with  
16 that one because -- maybe you travel in a different  
17 world than I do, Mr. Innes, but I don't perceive the  
18 public in all of the discussions I have of  
19 understanding that very clearly.

20 Of course, you live in a resource area  
21 and you work in that area, but I look around at the  
22 conflict that arises, whether it be some of the  
23 conflicts that arise between decisions that are made by  
24 government and what people in our society want, whether  
25 it be environmental or so on, and I see a great gap

1       there of what I think is a lack of confidence or a lack  
2       of understanding as to just what's going on out there  
3       and maybe it's because you are closer to the forest.

4               MR. INNES: No, I think it is probably,  
5       sir, that I expressed myself incompletely and let me  
6       try again here to expand upon that.

7               Let's take the example of the conflict  
8       over the Temagami situation which is exceedingly  
9       complicated and I don't profess to know all the details  
10      of that, but in sitting beside somebody on an airplane  
11      flying to wherever and speaking about that, they have a  
12      certain perception of what might be appropriate to do,  
13      but when you start talking about some of the  
14      complexities, about some of the inputs possible, about  
15      some of the ranges of things that could happen, they  
16      understand very well that there is a choice that can be  
17      made between those things and the only part that's  
18      really missing in the conversation that I've discovered  
19      is a broader perception of what some of the  
20      alternatives may be or what some of the -- or how the  
21      broad the range of drivers is in these things.

22              MR. MARTEL: Can I stop you there  
23      because, in fact, when you sit and talk with them one  
24      on one that's one thing, and because you are  
25      communicating directly with them and they are listening

1 carefully you might get your message across, but when  
2 you deal with the public at large, not on a  
3 one-on-within basis, then I don't think the  
4 understanding is quite -- is apparent to the public.

5 If you talk to many northerners, as they  
6 call them, they think the tree huggers, if I can use  
7 that term, are the people who are solely responsible  
8 for the Temagami situation and that it is all coming  
9 out of southern Ontario and it's not coming from the  
10 north. So there is really a misunderstanding.

11 MR. INNES: There is a misunderstanding I  
12 think brought about to a large extent, sir, from the  
13 lack of information which is concrete and can be  
14 separated from all the emotional feeling that goes with  
15 those sort of things, but going back -- and I don't  
16 deny that occurs and unfortunately occurs all too  
17 frequently.

18 But going back to Dr. Baskerville's  
19 comment, I don't believe that people don't understand  
20 that there is a choice that can be made. They may be  
21 missing key pieces of the information, but I think most  
22 people understand that there is a choice that can be  
23 made. It's not a clear cut decision that you can only  
24 do this and that's the sole thing.

25 MR. HANNA: Q. But, Mr. Innes, isn't one

1 one of the driving factors in that Temagami issue the  
2 fact that the public hasn't been presented with a range  
3 of choices and the implications?

4 The broader scale type of issues that you  
5 say are missing in their understanding hasn't been  
6 presented to them?

7 MR. INNES: A. That has to be a key  
8 contributing factor in the confusion that arises from  
9 situations as complicated as that, yes.

10 MR. MARTEL: That's why one-on-one you  
11 can dialogue with people and they understand it, but  
12 when you deal with the public at large it's much more  
13 difficult, I think, to get the message across or the  
14 options that are available to people and, therefore...

15 MR. INNES: I can't disagree with that.  
16 I think that's extremely important which, I guess, is  
17 one of the reasons we see the local citizens'  
18 committees being of importance and, you know, regional  
19 committees being of importance, but also at the  
20 provincial level.

21 You have to open this whole thing up in  
22 terms of let's try and disseminate more widely some of  
23 the key information that's missing at the moment.

24 MADAM CHAIR: Mr. Hanna, would you like  
25 to break for lunch now?



1 MR. HANNA: Madam Chair, I have one last  
2 section of this to deal with. I think it's going to be  
3 very short and I would like to get this out of the way,  
4 if we could, before...

5 MADAM CHAIR: Well, it's almost twelve  
6 o'clock. Do you mind if we wait until 1:30, Mr. Hanna?

7 MR. HANNA: No.

8 MADAM CHAIR: We will be back at 1:30.

9 ---Luncheon recess taken at 12:00 p.m.

10 ---On resuming at 1:30 p.m.

11 MADAM CHAIR: Please be seated.

12 Mr. Hanna?

13 MR. HANNA: Q. Panel, or Mr. Innes  
14 specifically, we left off talking about Exhibit 1281  
15 which is Dr. Baskerville's paper and I had a discussion  
16 with Mr. Munro about how the DLUG targets would be used  
17 and applied in the forest management unit at the forest  
18 management unit level, and I think I understand that  
19 fairly clearly now.

20 The target sets out the amount of habitat  
21 that would be required, for example, for moose, correct  
22 so we need "x" number of hectares of late winter cover  
23 area over time and you would make that projection over  
24 the same projection you'd make the moose population  
25 over the rotation of the forest; correct?

1 MR. INNES: A. That's the way we see it  
2 working, Madam Chair.

3 Q. Okay. So we now narrowed down the  
4 choices to now we've decided on how much, but we  
5 haven't decided yet on the spacial distribution; have  
6 we?

7 A. That's correct.

8 Q. So there is -- even if we take the  
9 choice as we've laid it out, the choice in terms of the  
10 appropriate target in terms of the quantity of habitat,  
11 we still have a range of choices in terms of the  
12 spacial distribution of that habitat over the forest  
13 management unit; correct?

14 A. That's correct.

15 Q. And would you agree with me that  
16 taken to the extreme there is a great number of  
17 possibilities, some of them may be unreasonable, but  
18 even there might be a large number of reasonable  
19 possibilities that you might be able to achieve?

20 A. That would seem reasonable, yes.

21 Q. And that's an important choice, that  
22 pattern, not just the "how much" but also the pattern?

23 A. Not being a biologist, I would have  
24 to assume that's the case in terms of providing the  
25 correct distribution in connection between that habitat

1 and the other forms of habitat.

2 Q. Will that pattern or will alternate  
3 patterns for the designated target - the target being  
4 the how much - will alternate patterns be presented to  
5 the public and they will be asked for a choice in the  
6 Industry's planning process?

7 A. We have not specifically said that  
8 that will occur in the planning process that we have  
9 laid before the Board.

10 What we have suggested in the preamble to  
11 our terms and conditions - I'm not sure where else,  
12 Madam Chair, in our testimony - that the plan author  
13 would seek the technical guidance of the correct  
14 technical person within MNR to assist in the lay out  
15 and design spacially of that required habitat to reach  
16 the target level assigned to the plan.

17 Q. Would you agree with me that  
18 alternate spacial configurations of the forest  
19 structure to achieve the habitat may have very  
20 important implications to the forest industry in terms  
21 of delivered wood costs?

22 A. It could have an implication, yes.

23 Q. So that you are in the potential of,  
24 perhaps in some cases, the biologist saying: I would  
25 like this spacial configuration and the Industry

1 forester saying: Yeah, but that's going to cost me  
2 \$3.00 more a cunit of wood at the mill and, therefore,  
3 I like this one better?

4 A. That type of scenario could occur.

5 Q. And will that documentation be  
6 provided to the pub -- will documentation of those  
7 types of situations be provided to the public?

8 A. I am unclear as to what degree of  
9 documentation of those alternatives would appear in our  
10 background data to the timber management plan.

11 A degree of that would appear and the  
12 rationale for that would appear in the background data  
13 in the timber management plan, but I'm not able to say  
14 whether or not a range of choices would be provided by  
15 the expertise in MNR. If it was provided, it would  
16 naturally appear in the background data, the  
17 supplementary documentation of the plan the way we have  
18 laid the process out, Mr. Hanna.

19 Q. Fine. But you are saying at the  
20 present time that's not mandatory in the planning  
21 process that you've described?

22 A. We have not made it mandatory in our  
23 planning process that a range of alternatives by other  
24 resource managers be put forward at this time.

25 Q. Okay. I would like to deal, then,

1 with one final section in Exhibit 1281 and that's on  
2 page 27. It is a response by Dean Baskerville to a  
3 question regarding --

4 MADAM CHAIR: Excuse me, Mr. Hanna, what  
5 page are we on?

6 MR. HANNA: 27, Madam Chair. It is  
7 11:27.

8 Q. A question from one of the committee  
9 members about the potential conflicts among other  
10 forest user groups, correct, and Dean Baskerville is  
11 responding. I am looking particularly at the third  
12 paragraph in his response:

13 "He is indicating here..." and when he  
14 says "he" I believe he is speaking of the president of  
15 the Fish and Game Association of the province. He  
16 says:

17 "He has a legitimate grievance, as do  
18 many of the people in recreation and  
19 fishing wildlife, in that the way we have  
20 approached the use of forest has been  
21 timber oriented for three centuries and  
22 now we are trying to change the way we do  
23 it so we can look at it from at least  
24 three simultaneous perspectives, and that  
25 is not happening as fast as they would



1                   like."

2                   Now, in your view, is this comment also  
3           applicable to Ontario?

4                   MR. INNES: A. If you will just give me  
5           a moment, Madam Chair, to read what the questions was  
6           that was asked of Dr. Baskerville on page 26.

7                   In the forum that Dr. Baskerville  
8           answered the question, in terms of the president of the  
9           Fish and Game Association not being able to approach  
10          habitat and management of that resource on an  
11          integrated basis, which is what I believe Dr.  
12          Baskerville is saying, we understand that a similar  
13          type of problem exists in Ontario.

14                   Is that responsive, Mr. Hanna, to your  
15          question?

16                   Q. If it isn't I will always let you  
17          know, Mr. Innes, but yes, thank you very much.

18                   A. Thank you.

19                   Q. Mr. Innes, when I was talking about  
20          the -- I introduced the Baskerville paper with respect  
21          to my questions to you earlier on the local citizens'  
22          committee and I would like to ask you one final matter  
23          or deal with one final subject in that respect and that  
24          has to do with the effectiveness of the citizens'  
25          committee.

1 Now, as I understand it, one of the  
2 reasons that the Industry is advocating this approach  
3 is to improve the effectiveness of public consultation;  
4 correct?

5 A. That is correct.

6 Q. And if we could just look briefly at  
7 your witness statement on page 9, you indicated there  
8 in the second paragraph:

9 "The Industry believes that the public is  
10 interested in resource planning and  
11 should be educated, consulted and  
12 involved at the provincial, regional and  
13 district levels."

14 Now, what do you mean by being educated  
15 in this context?

16 A. I think Mr. Martel and I had part of  
17 this discussion prior to the lunch break.

18 Educated in our mind, Madam Chair, is  
19 understanding what the process is in which the primary  
20 input to -- how the primary input to decisions is  
21 considered and analysed and how a decision results.

22 We are talking about understand a process  
23 by which a decision is made; and, secondly, which is  
24 the point I was referring to with Mr. Martel,  
25 understanding what the basis in terms of information

1 and inputs to the decision is and what those primary  
2 levels of information are that contribute to a  
3 decision.

4 Q. And presuming that we are here six  
5 years from now and we were reviewing the final planning  
6 process --

7 MR. FREIDIN: Not here.

8 MR. HANNA: Q. We take a break, in  
9 between we do some timber management plans hopefully in  
10 the intervening time, maybe a bit more than six years,  
11 but we are back here having implemented the Industry's  
12 planning process. We are back with the five, six,  
13 ten-year review, whatever it is, and it may not be the  
14 same panel but --

15 MR. MARTEL: You want to believe it.

16 MR. HANNA: Q. We are back here  
17 reviewing the process that the Industry has proposed,  
18 the Board is convinced that it is the best approach to  
19 use and we've implemented it, what criteria would you  
20 suggest that we would use to determine its  
21 effectiveness in terms of educating, having effectively  
22 consulted and involved the public?

23 What would you use to measure the  
24 effectiveness of the process?

25 MR. INNES: A. One measure of

1 effectiveness would be the number of people who  
2 participated in these various advisory committees,  
3 another measure of the effectiveness could be I think  
4 seen in the number of unsolicited contributions that  
5 were brought to open houses, to the advisory  
6 committees, to the plan author, to MNR and I would  
7 expect there would be more than there now are. Not in  
8 terms of the system not working, but in terms of people  
9 being interested in the process and being willing to  
10 participate and feeling comfortable with the thought  
11 that their input is being considered and has a  
12 meaningful role in the process.

13 And I would think another one, Madam  
14 Chair, would be a degree or an increased degree of  
15 satisfaction with decisions taken at a local level by  
16 people saying: I understand it and it makes sense to  
17 me which presupposes knowledge and understanding of the  
18 system.

19 With your permission, I'll ask if the  
20 panel has any other thoughts they would like to add to  
21 that.

22 MR. MUNRO: A. No, I think that is  
23 appropriate.

24 Q. Okay.

25 MADAM CHAIR: Excuse me, Mr. Innes, one

1 question. Wouldn't you expect, as the result of a new  
2 process through which the public might become better  
3 informed, you might in fact have problems, more  
4 problems in the sense that peoples' interest and  
5 education in that process will cause them to find  
6 things they disagree with?

7 MR. INNES: Very much so. That was the  
8 point I was trying to make at the first, Madam Chair in  
9 terms of I think this will generate unsolicited comments  
10 coming back to the people who are involved in the  
11 planning preparing.

12 Yes, the whole thing is dialogue and  
13 let's surface problems and issues that are now not  
14 being dealt with if we can get to better resource  
15 management. So, yes, I agree with you, Madam Chair.

16 MR. HANNA: Q. So, Mr. Innes, is it fair  
17 then to say that it wouldn't be an appropriate measure  
18 in terms of the number of conflicts? We may have an  
19 increased level in terms of conflicts simply because of  
20 the greater involvement, but that the conflicts would  
21 revolve around not lack of misunderstanding but lack --  
22 different priorities, different social values.

23 You would see it be successful if it  
24 had -- if there wasn't a problem in understanding, but  
25 there may be differences of opinion that are inevitable



1 in resource management; is that fair?

2 MR. INNES: A. I think that would be  
3 fair, Madam Chair.

4 Q. Okay. Now, this matter of increased  
5 degree of satisfaction, the fact that to have people  
6 committed to this exercise, and you've said it  
7 repeatedly, commitment of time, people aren't going to  
8 do this if they don't feel their input is having some  
9 effect, correct, that's the key message you've brought  
10 forward?

11 A. Yes, that's correct.

12 Q. Okay. The OFAH agrees with you. The  
13 OFAH has seen a jaundice public that on occasion felt  
14 that their opinion has not been -- or at least segments  
15 of the public feel their opinions have not been given  
16 due consideration.

17 MR. COSMAN: Is this evidence?

18 MR. FREIDIN: Is he giving evidence  
19 again?

20 MR. HANNA: No, I am not giving evidence  
21 and I will bring evidence forward to support that  
22 statement, but I'm simply providing the witness with  
23 some sort of a context, but I am fine to retract that  
24 until we give evidence.

25 MADAM CHAIR: Do you want to rephrase the

1 question, Mr. Hanna.

2 MR. HANNA: Sure.

3 Q. The OFAH is concerned with the same  
4 issue in terms of having meaningful public input, and I  
5 think you will see in our revised draft terms and  
6 conditions a new term and condition dealing with the  
7 local citizens' committee and I want to get your view  
8 on it.

9 The OFAH is planning to include in its  
10 revised terms and conditions a clause providing that  
11 the -- providing the local citizens' committee with the  
12 powers to invoke an automatic bump-up. This would be  
13 used in the event that if after having gone through the  
14 entire review process internally and externally, as Mr.  
15 Munro has suggested, after having gone through that  
16 process, a majority of the local citizens' committee is  
17 not in agreement with the final proposal or a final  
18 proposal contained in the timber management plan, then  
19 they could request the entire plan or part thereof to  
20 be bumped up.

21 Would you feel that this is a reasonable  
22 power to be assigned to that group from a planning  
23 perspective to ensure both members of the committee,  
24 the plan author, the Ministry see this as a meaningful  
25 and influential exercise?

1                   MADAM CHAIR: Excuse me, Mr. Hanna. The  
2 question, was it, the local citizens' committee? Are  
3 you recommending that they request bump-you or they in  
4 fact authorize, initiate a bump-up process?

5                   MR. HANNA: It would actually be the  
6 Ministry of the Environment would assign that power to  
7 the local citizens' committee.

8                   MR. MARTEL: Can I back up for a moment,  
9 then?

10                  MR. HANNA: Certainly.

11                  MR. MARTEL: I think in the advisory  
12 committee you indicated yesterday that you did not  
13 want - and I could be wrong - MNR or the plan author to  
14 have a vote?

15                  MR. HANNA: Correct.

16                  MR. MARTEL: I just wanted to be sure.

17                  MR. FREIDIN: Is the question whether it  
18 was appropriate?

19                  MR. HANNA: The transcript will show the  
20 question, Mr. Freidin.

21                  Q. Mr. Innes, have you got an answer?

22                  MR. COSMAN: Just before Mr. Innes  
23 answers. From a legal perspective, I can see some  
24 difficulties in that I don't think this Board has the  
25 power to require the Ministry of the Environment to do

1 anything such as the kind of delegation that's just  
2 been mentioned, but I am not going to object to the  
3 question.

4 I will allow Mr. Hanna to say whether  
5 from a planning perspective he thinks Industry's view  
6 is that it's a good idea that this be delegated.

7 MR. HANNA: The question was phrased,  
8 Madam Chair, Mr. Martel, specifically from a planning  
9 perspective and that's what I am asking this panel, Mr.  
10 Innes particularly, their view on.

11 MR. INNES: As I understand the provision  
12 of bump-up, it is not available to any citizens of the  
13 province who can initiate his or her discretion in they  
14 have a concern that's not answered.

15 It would seem to me, from my  
16 understanding, that this provision already exists,  
17 Madam Chair, for anybody on the committee to do that  
18 and I will request clarification from Mr. Hanna, is  
19 this in your proposal, sir, something which the  
20 committee would have to undertake if it did not reach a  
21 majority decision on a critical issue?

22 Like, is it an automatic thing which  
23 automatically occurs within the advisory committee if  
24 they took a recorded vote at it was split or they were  
25 not able to reach a decision?

1 MR. HANNA: Q. The proposal, as I  
2 understand it at the present time, would be that the  
3 committee to make a formal motion for bump-up and as  
4 part of that they would have to define whether it was  
5 the entire plan or part of the plan and specifically  
6 which part of the plan they wished to submit to a full  
7 investigation -- a full environmental assessment, but  
8 that would be a specific motion that the committee  
9 would bring forward and would vote on.

10 MR. INNES: A. I understand, Madam  
11 Chair. I think Mr. Hanna is taking the committee as an  
12 entity rather than a collection of individuals, if I  
13 can put it that way. The bump-up motion would arise on  
14 behalf of the committee rather than on behalf of an  
15 individual in the--

16 Q. Correct.

17 A. --in the course of his or her duties  
18 on the committee.

19 MR. MARTEL: I am still at a loss because  
20 I wrote down the words local citizens' committee to  
21 invoke automatically bump-up.

22 That seems to me that the committee, if  
23 they are invoking the bump-up itself, that is in fact  
24 bypassing the Ministry of the Environment or anyone  
25 else, that the committee can order a bump-up. Is that



1       what you are asking for? I am asking for  
2       clarification.

3                   MR. HANNA: For clarification, that's  
4       what is asked for. We will deal the legalities of it,  
5       as Mr. Cosman indicated, at the proper time, whether it  
6       falls within the scope of the Act, and I will address  
7       that at the appropriate time.

8                   MADAM CHAIR: Did you understand that it  
9       is not a committee requesting a bump-up, but in fact  
10      implementing a bump-up, causing the bump-up to go into  
11      effect?

12                  MR. INNES: No, I didn't understand that,  
13      Madam Chair. Thank you for that clarification. That's  
14      a crucial difference.

15                  MR. MARTEL: Do you want to start again.

16                  MR. INNES: I don't think I have given an  
17      answer yet, Mr. Martel. I am still contemplating what  
18      I might say on behalf of the committee here.

19                  There are many ramifications in that and  
20      the major one that I perceive at the moment would be  
21      changes to the locus of authority for decision making  
22      of resource use from the Ministry of Natural Resources  
23      to a local citizens' committee, the way I understand  
24      it, Mr. Hanna.

25                  Q. Well, let let's just stop there for a

1 second. Remember, the local citizens' committee is not  
2 being given the power to make the decision. All the  
3 local citizens' committee is being given the power to  
4 ensure the third party review of the issue is brought  
5 forward.

6 The decision-making power still rests  
7 with the government through this Board -- not this  
8 panel, but through this Board and ultimately through  
9 Cabinet's review of their decision. So your comment  
10 about the locus is not perfectly correct; the ultimate  
11 decision still rests with government.

12 MADAM CHAIR: That's not quite true. The  
13 decision about the bump-up itself--

14 MR. HANNA: Oh, yes.

15 MADAM CHAIR: --is not a decision of the  
16 Ministry of the Environment nor the Ministry of Natural  
17 Resources. The decision is the decision of the local  
18 committee.

19 MR. HANNA: If that was approved, yes,  
20 Madam Chair, that would be -- that portion, but Mr.  
21 Innes' comment was the locus of control in terms of  
22 resource management would shift from the Ministry of  
23 Natural Resources to this local citizens' committee and  
24 that's not correct. The decision --

25 MADAM CHAIR: Well, part of it certainly

1 would.

2 MR. INNES: Part of it is, I submit with  
3 respect, Madam Chair.

4 MADAM CHAIR: That's my --

5 MR. HANNA: That certainly is not the  
6 intent. The intent is to remain -- to leave the  
7 ultimate decision-making power, the final decision on  
8 the matter with government.

9 MADAM CHAIR: The final decision on  
10 whether or not there will be a bump-up is left with the  
11 local citizens' committee?

12 MR. HANNA: In that particular  
13 circumstance. There may be other circumstances for  
14 bump-up, this isn't the only way bump-up could occur.

15 But in the circumstance where the local  
16 citizens' committee as a majority could not be  
17 satisfied, then that would be cause for automatic  
18 bump-up, but the locus of decision in terms of the  
19 resources of the province would still remain with the  
20 government. The local citizens' committee would not be  
21 able to reallocate resources.

22 MR. COSMAN: Overlooking whether that's  
23 legally possible, I am prepared to allow this witness  
24 panel, from my perspective, to answer a question as to  
25 whether they think it is a good idea.

1 MR. INNES: I fail to see, Madam Chair,  
2 Mr. Martel, what this adds to the process beyond the  
3 avenues that are now there. Maybe I don't fully -- let  
4 me rephrase that.

5 I'm sure I don't fully understand the  
6 full intent of Mr. Hanna's proposal or his client's  
7 proposal. I'd probably be doing it injustice as I  
8 don't fully understand it, but I have to wonder whether  
9 or not if I sat on an advisory committee and had  
10 sufficient interest in the process to do that and if I  
11 had a concern that was not being adequately addressed,  
12 what would prevent me, as a concerned citizen, from  
13 going the route of bump-up to get that concern  
14 rectified, and I can't see any advantage beyond -- in  
15 the proposal that Mr. Hanna brought forward that I  
16 don't have as an individual citizen.

17 MR. HANNA: Q. As I understand that, Mr.  
18 Innes, and perhaps it will to be clear in some of the  
19 subsequent questions I am going to ask on this matter,  
20 but is not a key element - and you actually said it -  
21 that to have effective public participation, to have  
22 people being capable, committed, all those involved,  
23 all those things, you and I will agree with that they  
24 are imperative to make this work, you have to believe  
25 there is something -- you have some power; don't you

1 agree?

2                   You have to feel that you're doing  
3 something meaningful, you're not just there blowing in  
4 the wind?

5                   A. I wouldn't use the word power. I  
6 would use the term reasonable chance of effectiveness  
7 to substitute for that, but I would have to, as a  
8 participant, would have to feel that my participation  
9 was worthwhile and had a reasonable chance of producing  
10 results in a direction I thought was appropriate.

11                  Q. And given the implications of bump-up  
12 in terms of time, effort, expense, all those things,  
13 would that not encourage all participants in the  
14 exercise, the plan author, the committee members, the  
15 Ministry to consider that committee's opinion and  
16 advice very carefully?

17                  A. I think it could also act in a  
18 negative fashion in terms of raising a fear factor. We  
19 have taken a different approach, as you no doubt  
20 understand, that we want to minimize the possibility of  
21 bump-up arising and we have gone about this through the  
22 entire planning process of trying to identify issues  
23 earlier, provide an avenue for solution, provide an  
24 enhanced planning process and then delay the  
25 consideration of bump-up until the last possible



1 opportunity just on the basis of it's costly, it's very  
2 time consuming and we think it's potentially devisive  
3 in terms of it's a non-user friendly process, if I may  
4 use those terms.

5 Q. I agree with you entirely and what we  
6 have said in the wording of the condition that I had  
7 given you was that you would have to first go through  
8 the entire review process, as Mr. Munro has described,  
9 that this would be a last resort, something everyone  
10 would try to avoid, but is there anymore -- I don't see  
11 how it's any devisive than having the bump-up there.  
12 It simply makes it much clearer to everyone where the  
13 line was drawn.

14 A. Thank you for the clarification, I  
15 didn't catch the first part of your phrase there in  
16 terms of you could go through the entire planning  
17 process that we have outlined.

18 Q. Exactly.

19 A. That's helpful. So the question  
20 perhaps becomes one of, does the ability to initiate a  
21 bump-up as a group have clout or status or whatever to  
22 the advisory committee.

23 Q. Is it more likely to lead to capable,  
24 committed participation to make the input meaningful,  
25 to have all players act in good faith, all of those

1 things that you want to have in effective public  
2 consultation?

3 A. My opinion, Madam Chair, would be no,  
4 I don't think it would add significantly to that beyond  
5 what already exists at the power of the Environmental  
6 Assessment Act for individuals on that committee.

7 MADAM CHAIR: Well, certainly your  
8 evidence before the Board so far has been that your  
9 principal problem with bump-up, and there are many  
10 problems you have with it, that it affects your  
11 operations, it holds up your operations, you can't do  
12 what you want to do while bump-up -- the process is in  
13 effect.

14 MR. INNES: That's correct.

15 MADAM CHAIR: So whenever it happens,  
16 whether it happens during the planning process or after  
17 the timber management plan is finished, the same  
18 problem exists for your industry.

19 MR. INNES: That's correct.

20 MR. HANNA: Q. And the same risk exists  
21 whether an individual can request bump-up or whether  
22 the local citizens' committee would request bump-up,  
23 and if the --

24 MR. MARTEL: Wait a minute. It's not  
25 request.

1                   MADAM CHAIR: No, Mr. Hanna, it's not  
2 request bump-up. You said that it's not a matter of  
3 requesting the bump-up, that it's a matter of the  
4 bump-up being approved and set into place and is  
5 started by the local citizens' committee.

6                   MR. HANNA: I understand. I was taking  
7 the other side of it, if it wasn't mandatory, Madam  
8 Chair. I agree that was the proposition originally.

9                   MADAM CHAIR: That's what you are  
10 proposing, though?

11                  MR. HANNA: Yes. I am saying, is there  
12 any difference in terms of the risk if you have a local  
13 citizens' committee that's a reasonable cross-section  
14 of your local community that are responsible people,  
15 that are committed, capable, involved and all those  
16 other good things, what additional risk are we talking  
17 about?

18                  MR. COSMAN: If it isn't mandatory, then  
19 it's exactly what we have now.

20                  MR. HANNA: No, no.

21                  MR. COSMAN: Madam Chair, I think we will  
22 look forward with great interest to reading the revised  
23 terms and conditions of the Anglers and Hunters,  
24 including this term and condition, and our people will  
25 get together and discuss them and prepare some

1 considered views and I will have a position for them.

2 I don't know how we can take it any  
3 further than we have at the present time. If it is not  
4 mandatory, then the group as a group or an individual  
5 can all go to the MOE right now.

6 MADAM CHAIR: Yes.

7 MR. HANNA: Madam Chair, just so the --  
8 this is the last time we hear this panel, I would just  
9 solicit any other panel's views in case there is  
10 something here that they want to put on the record. I  
11 would be interested in hearing what else they have to  
12 say.

13 MR. MUNRO: I would like to provide some  
14 comments in that we see the production of the plan  
15 being done by the plan author in conjunction with that  
16 local citizens' group and them actively participating  
17 in providing advice.

18 I think it would be very difficult for  
19 that group of people to set themselves apart from the  
20 process and rule on something like a bump-up, and I  
21 think that's what Mr. Hanna is saying, they would  
22 actually make a ruling.

23 It is so difficult when you are involved  
24 within the process to step back and make that decision  
25 and I still think there will be some value,

1 considerable value in having that made by the Ministry  
2 of the Environment as opposed to a local citizens'  
3 group since they are going to have some vested interest  
4 and possibly some bias. That's all I would like to  
5 add.

6 MR. HANNA: Q. Mr. Munro, just one  
7 matter on that. We talked about the Loonhaunt Road  
8 citizens' committee. Do you know what decision-making  
9 authority was given to that committee?

10 MR. MUNRO: A. I stand to be corrected  
11 on this, I only briefly know about it. I think the  
12 decision-making authority that was given to that  
13 committee was to decide on a particular road location.

14 There was some conditions attached to  
15 that, however. One was there will be a road and you  
16 people on the committee can decide where that road  
17 should be in your best interest and you must come back  
18 to us with all members of the committee agreed.

19 It wasn't a vote, everybody had it sign  
20 off on that location, but there was conditions attached  
21 to it. It had to be within the approved plan that was  
22 prepared, there had to be a road and it had to be the  
23 options that were identified.

24 So a very focused type of approach to the  
25 plan, and that's just my general, brief understanding



1 of this.

2 Q. That's my understanding also, Mr.  
3 Munro. But the decision power that that committee had  
4 within those constraint was binding?

5 A. In that particular case, in the Fort  
6 Frances District, that's how the district manager set  
7 it up and I'm sure, knowing the district manager fairly  
8 well, he had some degree of confidence that the group  
9 of people that he had selected to sit on that would  
10 come up with a solution.

11 That would not always be the case in  
12 dealing with the number of issues across the province.  
13 In fact, I know he felt that that group could be  
14 trusted to come up with a decision that all parties  
15 agreed upon.

16 Q. If the Industry's proposal was  
17 adopted, with respect to the local citizens' committee,  
18 though, the district manager would still with be the  
19 one who would ultimately decide on the composition of  
20 the committee; correct?

21 A. Our evidence is that would be the  
22 case. However, we are dealing with a much more complex  
23 issue than a single road -- accessing a single small  
24 portion of a unit where all known interest groups had  
25 already identified themselves and are really working

1 through a process in the Fort Frances District -- or  
2 were working through a process to come up with a final  
3 location. There was -- the plan had already been done  
4 and approved and this was really a finetuning of the  
5 approved plan.

6 Q. Mr. Innes, can we turn to page 16 of  
7 your witness statement. There is one of the groups  
8 that we haven't dealt with yet and that's the technical  
9 group. It's described in Section 2.2.32; correct?

10 MR. INNES: A. Yes, that's correct.

11 Q. Now, you indicate here and you  
12 indicated to Mr. Reid this morning that you did not  
13 anticipate this group meeting as a group on a regular  
14 basis?

15 A. That's correct.

16 Q. Can you explain to me why?

17 A. Yes, I can. This recommendation  
18 arises, Madam Chair, out of experience that a number of  
19 us have had with dealing with the MNR planning team as  
20 it is now constituted.

21 Our experience has been the more people  
22 you have in a room sitting on a group debating a  
23 subject, the more difficult it is to reach a decision  
24 on this and we see no need to tie up technical experts  
25 who often make limited contribution, if any, to the

1 discussion at hand during that particular meeting and  
2 we find it much more expeditious to deal on a  
3 one-on-one basis with those things unless there is a  
4 need for interdisciplinary coordination, at which time  
5 we would see the group being assembled for that  
6 purpose.

7 Q. Okay. Those one-on-one discussions,  
8 Mr. Innes, will they be formally documented?

9 A. Documentation will exist from those  
10 discussions in terms of the output from those  
11 discussions as being a part of the supplementary  
12 documentation and the database that occurs within the  
13 plan, as is dealing with those technical experts the  
14 plan author requires their input in order to be able to  
15 deal with components of the plan and non-timber  
16 resource of the plan.

17 Q. Will they be comparable to the  
18 publicly available minutes that you've specified for  
19 all of the other groups?

20 A. I am unable to say whether they will  
21 be comparable, but there certainly will be  
22 documentation of results.

23 Maybe Mr. Munro would like to say more  
24 about them.

25 MR. MUNRO: A. Madam Chair, I think it

1 is important to understand within our process we have  
2 dedicated a fair amount of time, approximately a year  
3 of upfront preplanning before we actually start the  
4 plan production.

5 So many of the concerns dealing with  
6 integration of other resource users will have discussed  
7 through the advisory committees, the regional committee  
8 in consultation with the district manager and plan  
9 author.

10 Then under our process what we have after  
11 one year is we have some pretty specific direction that  
12 will be provided to the plan author; i.e., in Mr.  
13 Hanna's example, produce "x" number of acres or  
14 hectares of winter habitat for moose.

15 We see it as really a process where the  
16 plan author would consult the technical experts and  
17 figure out how they were going to do that. As Mr.  
18 Innes indicated, the results would indicate what  
19 happened during the discussions.

20 If there was a particular problem  
21 achieving that winter habitat, that would have to be  
22 identified by the plan author and discussed in the  
23 plan, that they could not meet that objective and give  
24 some reasons why. Again, that would have to be taken  
25 back to the advisory committee for their review and

1 input and eventually to the regional committee as well.

2 So you have to put it in a different  
3 context than the current planning system that MNR has  
4 where you basically start plan preparation. You have  
5 not completed at that particular point in time any of  
6 the preplanning aspects that we have characterized in  
7 our package. So I really don't think there will a need  
8 to address specific minutes saying on this day we  
9 talked about this stand on this base map and document  
10 that. Documentation, Mr. Innes is perfectly correct,  
11 would be the result or the output of that discussion.

12 If those results and outputs are taken to  
13 an advisory committee, we have provided that the  
14 biologist, if there is a concern, can come and talk to  
15 the advisory committees about that particular issue and  
16 they are really a resource group that the advisory  
17 committee can call upon for further explanation if they  
18 have concerns about the output, if that clarifies it.

19 Q. Part of the reason I ask that, Mr.  
20 Innes or Mr. Munro, one of the things that you see  
21 regularly seems to be this interconnection of issues in  
22 timber management, that you do one thing here and it  
23 has implications for moose and fish and tourism and  
24 native people and all of the rest.

25 If you have two people discussing and you



1 have other technical advisors there, there may be  
2 issues that arise that they may affect their interest,  
3 that they may want to give you technical advice on, but  
4 unless they know about that discussion...

5 I don't disagree. Just before you answer  
6 it, I just want to make sure I make it clear, I don't  
7 disagree with what Mr. Innes has said, let's not have  
8 big meetings of 15 people sitting around a table  
9 wasting time, okay, that's not my point.

10 My point is, how do you maintain that  
11 integration within the team in terms of that discussion  
12 and yet efficiently use peoples' time?

13 MR. MUNRO: A. I really think that the  
14 technical experts and the plan author have a pretty  
15 good feeling or have a pretty good idea when they are  
16 entering into an area that could cause some potential  
17 concern for other parties, and it would be in their  
18 best interest to get the other party in if it was  
19 dealing -- if we were starting to encroach upon their  
20 technical expertise.

21 So in some instances it might be one  
22 individual that the plan author is dealing with, in  
23 some cases it might be two. It would be whatever is  
24 appropriate in order to actually plan the activity in  
25 order to meet some of those concerns and address the

1 protection of values as well.

2 It would be considerably more efficient  
3 than meeting as a planning team per se.

4 MR. INNES: A. If I may add to that,  
5 Madam Chair, before Mr. Hanna asks his next question.

6 What occurs now if a lot of cases is,  
7 even though a planning team meets and discusses things  
8 in detail, individual members of that planning team  
9 have to go back and do their area of expertise work on  
10 their own to bring it back.

11 We are talking about a similar situation  
12 in this case where you may have the -- let's stick with  
13 the biologist as being the expert, who meets with the  
14 forester to discuss what needs to be done and the  
15 biologist goes away and does the alternatives and the  
16 range of possibilities or whatever it is he or she is  
17 going to do and brings it back.

18 The second point I wanted to take make  
19 is, in our proposal the district manager is required to  
20 "sign off" on the timber management plan saying that  
21 this has been prepared in a fashion to the Ministry's  
22 satisfaction which must include integration. So there  
23 certainly will be integration. It is our intent that  
24 that in fact occur.

25 Q. So in terms of accountability to

1 ensure that the interests are brought in at the  
2 appropriate time and nothing is compromised without due  
3 consideration, that accountability would rest with the  
4 plan author ultimately?

5 A. No, that accountability for all the  
6 uses that are carried on in that forest rests with the  
7 district manager of Natural Resources.

8 Q. Then are all these discussions three  
9 part discussions: the technical expert, the plan  
10 author and the district manager?

11 A. Are all these discussions...

12 Q. Well, for the district manager to be  
13 responsible to ensure that there is -- these things are  
14 occurring, that the right people are discussing things  
15 and whatever, he has to be there to say: Hey, wait a  
16 minute, you haven't taken into account archaeology  
17 associated with a pow wow site, I don't know, whatever?

18 A. I understand your question. Thank  
19 you for the clarification.

20 I think the integration occurs through  
21 the district manager sitting on the local citizens'  
22 committee participating in that and also by being  
23 involved with his staff as the technical group meets --  
24 those people report to him very largely, and we have  
25 also suggested that if there is a need for

1 interdisciplinary coordination, and we are suggesting  
2 that there probably will be, that occurs at that point,  
3 in our estimation. So those two mechanisms.

4 MADAM CHAIR: Excuse me, Mr. Innes. Are  
5 you saying that most of the members of the technical  
6 group would be MNR employees?

7 MR. INNES: I believe the bulk of them,  
8 Madam Chair, would be MNR, with the district managers  
9 discretion to bring in additional expertise from  
10 wherever as required.

11 MADAM CHAIR: But essentially the same  
12 people who sit on the planning teams today?

13 MR. INNES: I think that's essentially  
14 true, Madam Chair, unless you need an archaeologist or  
15 some such specialized skill not resident within the  
16 Ministry of Natural Resources. They are very well  
17 balanced for skill in my estimation.

18 MR. HANNA: Q. That comes to my next  
19 question, Mr. Innes, and that is, in a number of the  
20 other groups you proposed a composition, there is no  
21 competition proposed for the technical committee. What  
22 composition are you proposing?

23 MR. INNES: A. We have not proposed any  
24 composition of the technical group and all we've said,  
25 either within MNR or related concerns of technical

1 expertise, and I would leave that -- at least the  
2 Industry's proposal leaves that to the discretion of  
3 the district manager and also the needs as identified  
4 by the plan author.

5 Q. Can you turn to OFAH term and  
6 condition 35 on page 8. It actually has two components  
7 to it.

8 MR. FREIDIN: Sorry, which one is it?

9 MR. HANNA: Page 35 on page 8.

10 Q. That term and condition has two  
11 components to it, Mr. Innes. I'd ask that we don't  
12 deal with the second part, the seventh member part,  
13 let's just deal with the first part.

14 Would you agree that this a reasonable  
15 core of experts that one would want at least involved  
16 in the preparation of the timber management plan from a  
17 technical perspective?

18 MR. INNES: A. I would agree that that  
19 level of technical expertise is necessary with the  
20 possible exception of the socio-economic component of  
21 that which is now not very well represented. I can see  
22 a growing need for that, but I don't know exactly how  
23 that would be identified, Madam Chair.

24 Q. We will leave that for the time  
25 being.



1                   Now, given that that's at least a core  
2     and not an exclusive core, but that's a core of experts  
3     that we'd want to have to be able to draw on, what  
4     minimum qualifications do you see such members having?  
5     Have you any view on that? Maybe just expedite this,  
6     Mr. Innes, can you look at condition 37.

7                   A. That is the type of level we are  
8     looking for, in our understanding, Madam Chair, in  
9     terms of professional level of expertise, where that  
10    exists.

11                  Q. From your point of view, then, that's  
12    a reasonable thing to specify, that at least we have  
13    this level of expertise to draw on and there may be  
14    others that we will draw on. You see an advantage in  
15    having some professional people involved?

16                  A. That's correct.

17                  Q. And you have described what you mean  
18    by professional in the transcripts. I won't take you  
19    do that unless you want to disagree, but I believe in  
20    Volume 219, on page 39,605, you actually went to some  
21    length explaining why you felt it was important that  
22    there was professionals involved and this sort of  
23    condition would reflect that view?

24                  A. Yes, that's correct, Madam Chair.

25                  Q. Okay. Under the third bullet on page

1 16 of the technical group, you indicate the types of  
2 items that they would be considering and one of the  
3 items is allocation criteria; correct?

4 A. That's correct.

5 Q. Would non-timber values be an  
6 important consideration in developing the allocation  
7 criteria?

8 A. I'll answer in the general sense and  
9 then seek guidance from the rest of the panel because I  
10 have not been involved in this in terms of what  
11 allocation criteria means in the current Timber  
12 Management Planning Manual.

13 Allocation criteria would have to be  
14 realistic in terms of what you can utilize to pick out  
15 stands at a ground level in order to harvest those  
16 stands and, as a result, it must reflect recognition of  
17 other values, but I am not able to take it beyond that  
18 point.

19 I'm not aware of what the allocation  
20 criteria are on the MNR current system of timber  
21 management planning. Perhaps one of the other panel  
22 members could assist.

23 Q. Maybe, Mr. Innes, in the interest of  
24 time, we have heard evidence on allocation criteria in  
25 previous panels of the Industry. I guess let's rely on

1 the evidence that they've given and let's just continue  
2 on because I don't want to go over that ground again.

3 I am more interested in knowing what  
4 involvement the local citizens' committee will have in  
5 terms of defining and selecting the appropriate  
6 allocation criteria and the priorities that will be  
7 given to those.

8 A. The local citizens' committee is  
9 involved in the planning process right from the very  
10 start, despite the fact that it starts, as you  
11 correctly indicated, at a later date in the IRUC.

12 The genesis of the plan is discussed with  
13 them and they also have the opportunity to review the  
14 draft plan and to review prior to that the summaries  
15 that go to the IRUC and, as a result, they would have  
16 their fingerprints, so to speak, on the contents of  
17 that which would include allocation criteria, I  
18 believe.

19 Q. The allocation criteria, though,  
20 precede the selection of stands--

21 A. That's correct.

22 Q. --for timber management activities;  
23 correct?

24 A. That's correct.

25 Q. Okay. So, would the local citizens'

1 committee be given alternative criteria from which to  
2 choose or from which to provide advice? Will there be  
3 a range of choices provided to them?

4 A. It would be appropriate that the  
5 local citizens' committee understand what the  
6 allocation criteria are and how they were arrived at  
7 and in their understanding of that they would have to  
8 know what choices there were. I would presume in terms  
9 of how these were developed and why they are  
10 appropriate in this individual situation.

11 I don't know whether that would go as far  
12 as something like a matrix that would be laid out and  
13 saying: Here is the range of choices, if you pick B3  
14 you have got to do that instead of C21 or some such  
15 more formalized process.

16 Q. And perhaps, Mr. Munro, you are the  
17 appropriate person to ask this question to. The  
18 rationale for the allocation criteria, where will that  
19 be contained in the -- will that be in the background  
20 information or will that be in the...

21 MR. MUNRO: A. It will be in the plan.  
22 If you will just bear with me for a moment. Actually,  
23 on page 70 would be part of the criteria for the MAD  
24 calculation. That would be Appendix III.

25 Q. Page 70?

1 A. Page 70.

2 Q. That's Appendix II; isn't it?

3 A. Yes, I'm sorry.

4 Q. I thought you said three?

5 A. It is three; isn't it?

6 MR. INNES: A. Two.

7 MR. MUNRO: A. It's two.

8 MR. HANNA: Q. So, let me just -- let's  
9 look at this table. This is Table 5 we are looking at?

10 A. Yes.

11 MADAM CHAIR: Which page are we on, Mr.  
12 Munro?

13 MR. MUNRO: Page 70 of the witness  
14 statement.

15 MADAM CHAIR: Thank you.

16 MR. HANNA: Q. Well, let's just go  
17 through this. So the column is the working group, the  
18 first column is the working group?

19 MR. MUNRO: A. That's correct.

20 Q. The next column is the rotation or  
21 cutting cycle which would be years; correct?

22 A. Yes.

23 Q. And regeneration success, that would  
24 be a stocking level; correct?

25 A. Correct.



1 Q. And years to free to grow would be  
2 the period at which you expect to get your full  
3 stocking?

4 A. That's correct.

5 Q. And roads and landings present "x"  
6 amount of land that could be lost to those activities?

7 A. Correct.

8 Q. And the NSR, it would be the rate at  
9 which you would want your success rate on those lands  
10 that haven't been suitably regenerated; correct?

11 A. That's correct.

12 Q. Now, I understand that table. I  
13 don't see anything there that's allocation criteria. I  
14 understand allocation criteria underlie that, but it  
15 doesn't say here the allocation criteria, here is why  
16 we selected them.

17 A. Maybe we are having some difficulty  
18 understanding each other here, it could be part of the  
19 reason.

20 Q. It's happened before.

21 A. Yes. The allocation criteria, as it  
22 is defined, would also include an eligibility criteria  
23 where the professional foresters; i.e., from the  
24 company side and the Ministry side would sit down and  
25 define the elements listed in Table 5.

1                   There would be a number of options or  
2 alternatives considered, different rotation ages,  
3 different free to grow years, all the elements outlined  
4 in Table 5 would be looked at and a number of computer  
5 runs would be made with different options showing  
6 different regeneration success, et cetera. Those are  
7 part of the plan.

8                   From that, those runs, those MAD runs,  
9 the forester, the plan author picks the option that  
10 best suits the management for that particular  
11 management unit.

12                  Q. When you say the option, would the  
13 option be you have alternate Table 5s and the Table 5  
14 that best meets the objective? Is that what you mean  
15 by on an option?

16                  A. Yes. That's how we deem eligibility  
17 criteria as such. Those MAD runs, after the plan  
18 author selects the one that best suits his needs on  
19 that management unit, then there is a number of stands  
20 that are eligible and the plan author would select the  
21 allocation per se from those eligible stands, and the  
22 eligibility criteria as such and the combination, they  
23 have to be those stands or part of those stands.

24                  Q. Okay. So, now we've got the  
25 eligibility suite of stands?

1 A. Right.

2 Q. But now we've got to pick the  
3 individual ones we are going to deal with in that five  
4 year -- of the five-year term of the plan. You use the  
5 allocation criteria to decide which stands?

6 A. I think the allocation criteria,  
7 perhaps my other panel members could help me, is it has  
8 to be within those eligible stands.

9 Q. I think that's one criteria?

10 A. Right.

11 Q. But that isn't the only criteria, is  
12 it, Mr. Munro? There is a variety of other criteria;  
13 are there not?

14 A. I guess there is. I'm not sure that  
15 they're formally documented anywhere. In discussions  
16 with the other resource users could in fact lead to  
17 some other criteria, like the Moose Habitat Guidelines  
18 come into play, therefore, you can have clearcut sizes  
19 of a certain number of hectares.

20 Q. So you can have certain constraints  
21 that -- like your eligibility constraints that says it  
22 has to be one of these stands, we can further define  
23 the number of stands in terms of, if it's a thousand  
24 hectare stand we can't harvest the whole thing because  
25 of maybe a clearcut size constraint, whatever. So that

1 is starting to narrow it down further, but we may still  
2 have a range of choices even within that?

3 We have heard Industry witnesses talk  
4 about allocation criteria and obviously one of them is  
5 cost effectiveness?

6 A. One for sure. There are a number of  
7 others that come into play.

8 Q. Road accessibility. Those sort of  
9 criteria?

10 A. Species demand.

11 Q. Species demand.

12 MR. INNES: A. The oldest first.

13 Q. I'm sorry?

14 A. The oldest stands first is another  
15 one which --

16 Q. Okay. And my point simply is, will  
17 those be documented somewhere and will the reason for  
18 selecting those be provided to the local citizens'  
19 committee and ultimately to the public?

20 MR. MUNRO: A. What will be documented  
21 would be the final outcome on what stands were actually  
22 selected. Those could be taken to the advisory  
23 committee and if need be, if there are concerns  
24 regarding that plan and the selection of those stands  
25 for any given reason, the plan author would explain

1 that to the advisory committee and they can provide  
2 additional advice and comment.

3 It would be very difficult to explain all  
4 their criteria since some of them are somewhat complex,  
5 particularly when it comes to species mixtures that  
6 have to be accommodated in terms of mill demand. It's  
7 not a simple exercise.

8 My criteria for my particular FMAs would  
9 be considerably different than what Mr. Suomu or Mr.  
10 Young or Mr. Fry's would be. I'm not sure that there  
11 would be any value in explaining in great detail other  
12 than if somebody had a particular concern with the  
13 planned activity. It is really complicated.

14 MADAM CHAIR: Excuse me. Do you think of  
15 these as being allocation criteria or eligibility  
16 criteria?

17 MR. MUNRO: You have eligibility criteria  
18 which, in my mind, is the pure science. You outline --  
19 a computer model tells you, given these scenarios these  
20 stand are eligible and then you would have the  
21 individual foresters eligibility -- or allocation  
22 criteria which he develops or she develops in order to  
23 meet a demand at a mill. There is a number of  
24 different factors that come into play, going as far  
25 down to say that the season when we cut comes into play



1 is a very important factor for us.

2 I'm not sure that there would be a lot of  
3 value detailing that out.

4 MR. HANNA: Q. Mr. Munro, the reason I  
5 ask the question is, you had said if an individual had  
6 a specific concern about a specific site, then he might  
7 go back and try to adjust things, try to accommodate  
8 that; correct?

9 MR. MUNRO: A. We would certainly take  
10 the opportunity to explain why we selected that  
11 particular stand.

12 Q. And if necessary try and accommodate  
13 that?

14 A. That's part of our process. We have  
15 to deal with the individual and we do have an enhanced  
16 planning process in place where we can actually go to  
17 the field and deal with it on site and, ultimately, the  
18 district manager can make the adjustment...

19 Q. Yes, I understand that clearly. But  
20 what happens when the individual comes in and says: I  
21 am not concerned about that heronry there, I am  
22 concerned about the management of the forest landscape,  
23 I am concerned about what that forest is going to look  
24 like in time and space and that's driven by those  
25 allocation criteria.

1 I'm a reasonable person, I come forward  
2 and say: I understand you've got to have the right  
3 balance in your mill furnish in terms of meeting the  
4 product demands you have and I understand that the  
5 Industry is a business and they've got a profit motive,  
6 I accept all those sort of things, but I'm also a  
7 member of the public, I want that land to have a  
8 certain appearance, provide me with certain benefits  
9 that come across the whole landscape.

10 Now, how do I get into the picture  
11 because that landscape is being driven ultimately by  
12 those allocation criteria?

13 A. Madam Chair, that individual would  
14 get into the process the same way as anybody else and  
15 they would identify that as a concern. The plan author  
16 would be obligated to deal with that individual and try  
17 and resolve the person's concern; if not, it would go  
18 to the enhanced planning process.

19 If that means that some detail of  
20 planning has to occur and that's justified, that would  
21 take place.

22 Q. Mr. Innes, the last bullet on page  
23 16 --

24 MADAM CHAIR: Excuse me, Mr. Hanna. Is  
25 this a related point?

1 MR. HANNA: Yes, just this last question  
2 on it and I will be finished the technical committee.

3 MADAM CHAIR: You are finished your  
4 cross-examination?

5 MR. MARTEL: How are you making out?

6 MR. HANNA: Can I ask this question and  
7 then answer that one?

8 Q. Mr. Innes, the last bullet on Section  
9 2.2.32 indicates that:

10 "All finalized areas will have  
11 documentation describing the process and  
12 the results such that it is  
13 understandable by other technical  
14 experts."

15 I expect that you would agree that that  
16 document must meet the traceability test requirement  
17 that we have talked about?

18 MR. INNES: A. That is correct. The  
19 intent of that section was to provide the full  
20 disclosure and understanding of the rationale and  
21 thereby traceability so that one could understand how  
22 decisions were arrived at.

23 MR. HANNA: Madam Chair, answering your  
24 question. I had originally estimated this to take two  
25 full days of cross-examination. As you know, the first

1 day of cross-examination we did have some difficulties  
2 in terminology. I think it has been very productive, I  
3 have read the transcripts. I think there is more in  
4 the transcript than just definitions. It essentially  
5 got me where I am at the present time, though that did  
6 take more time.

7 I have spoken to my client about this  
8 matter at some length and in our view this panel is  
9 pivotal. This is potentially a planning system that  
10 can be implemented in this province now. I am looking  
11 now at having spent, by the time today is over, almost  
12 two days of cross-examination.

13 I would say at the present time I am  
14 probably half to two-thirds of the way through, but I  
15 have been quite reluctant to cut corners and I think  
16 this would be the worst place to cut corners.

17 My client is encouraged. My client is  
18 supportive of many of the proposals that the Industry  
19 is bringing forward, but we are cautiously supportive.  
20 I have been in my cross-examination, as you have seen  
21 so far, attempting to leave no stone unturned and I  
22 think that is absolutely imperative. I think it is the  
23 only responsible thing I can do to this Board.

24 If this process gets implemented, we are  
25 going to be living with it for at least five years in

1 this province and likely much longer. The implications  
2 of that are, as this Board is only too aware, of great  
3 importance to this province and if it's going to take  
4 me another day, another day and a half, another three  
5 days to fully explore this with this panel, I am asking  
6 the Board to have that time.

7 I haven't done this before with the  
8 Board, but I do believe that this is a very important  
9 panel and I feel I have a responsibility to this Board  
10 to ensure that there isn't something we haven't thought  
11 about. This is a process that hasn't been tested, we  
12 haven't implemented it. This is where it is being  
13 tested and that's good, that's the way it should  
14 happen, but we must make sure that the process is a  
15 workable one and there isn't something we haven't  
16 thought of.

17 MADAM CHAIR: Okay. We will take a  
18 20-minute break now, Mr. Hanna, and tomorrow morning  
19 perhaps you could give us an idea of how much longer.

20 MR. HANNA: I will do my very best, Madam  
21 Chair.

22 MADAM CHAIR: You think it will be and we  
23 will assume that you will be cross-examing tomorrow--

24 MR. HANNA: Yes.

25 MADAM CHAIR: --to be followed by Mr.



1 Freidin.

2 MR. FREIDIN: Yes.

3 MADAM CHAIR: Who is prepared to go at  
4 any time?

5 MR. FREIDIN: Just give me the word,  
6 Madam Chair.

7 MR. MARTEL: How long does Mr. Freidin  
8 have?

9 MR. FREIDIN: Oh, it's getting longer.

10 MR. MARTEL: That's what I thought.

11 MR. FREIDIN: Sometimes -- never mind.

12 No comment.

13 MR. COSMAN: Ms. Seaborn asked me to  
14 advise you that her estimate is that Mr. Campbell, who  
15 will be coming in for the cross-examination, will be  
16 half a day.

17 MADAM CHAIR: Thank you, Mr. Cosman.

18 ---Recess taken at 2:50 p.m.

19 ---On resuming at 3:10 p.m.

20 MADAM CHAIR: Please be seated.

21 MR. HANNA: Q. Now --

22 MADAM CHAIR: Excuse me, Mr. Hanna, I  
23 wanted something clarified, the last thing that - I  
24 don't know if it was Mr. Munro or Mr. Innes.

25 Mr. Munro had said earlier that he

1 doesn't necessarily want to document all the allocation  
2 decisions that go into selecting individual stands and  
3 then I thought a comment was made after that and we  
4 were pointed to something in the witness statement that  
5 said: Yes, some of the allocation decision-making is  
6 documented.

7 MR. MUNRO: What's documented is the  
8 eligibility criteria which is what's utilized to run  
9 the computer model that tells you how much wood you can  
10 cut for a given period of time.

11 The allocation criteria that I was  
12 speaking to was clearly the thought process that the  
13 forester goes through when looking at all the stands  
14 that are eligible and isolating those ones where these  
15 is going to be planned activity for the five-year  
16 period, and there are a number of those.

17 And rather than document them in great  
18 lengths, we would propose that if anybody has any  
19 questions, that we take the time to explain it to them  
20 and address concerns that they have with the specific  
21 stands that we intend in operating in.

22 MR. HANNA: Q. Mr. Munro, just to  
23 perhaps make sure I understand that. An eligibility  
24 criteria would be -- can you give me an example of an  
25 eligibility criteria?

1                   You would have a rotation age, so any  
2                   stand that was older than that rotation age, that would  
3                   be an eligibility criterion?

4                   MADAM CHAIR: I thought the criteria on  
5                   Table 5.

6                   MR. MUNRO: Yes. I think I can  
7                   understand why there is a bit of confusion. On page  
8                   16, we use the terminology eligibility criteria.  
9                   Really what should have been used in that particular  
10                  instance was --

11                  MADAM CHAIR: No, there you use  
12                  allocation criteria.

13                  MR. MUNRO: Allocation criteria. What we  
14                  should be using there is eligibility criteria and that,  
15                  I think, would clear a lot of things up.

16                  MR. HANNA: Q. Okay. We'll cross out  
17                  allocation and put eligibility, that's fine.

18                  Now, I don't understand -- can we look at  
19                  page 70, Table 5.

20                  MR. MUNRO: A. Sure.

21                  Q. The Criteria for a MAD calculation is  
22                  the title of the table and that's -- can we put  
23                  eligibility criteria for MAD calculation? Is that what  
24                  you mean? Are these the same criteria?

25                  A. Yes.

1 Q. Okay.

2 A. That is correct.

3 Q. Now, it seems it to me the only  
4 criteria that I can see here is rotation or cutting  
5 cycle, all the other things flow out of that. That's  
6 your criteria and then these others are the level of  
7 treatment that must be...

8 A. There are different levels of  
9 treatment and that is a criteria in itself.

10 Q. I'm sorry, what is a criteria in  
11 itself?

12 A. There's different levels of treatment  
13 that you can assign to each one of those columns.

14 Q. Why don't we put some numbers in here  
15 just to follow through. Let's say it's a black spruce  
16 working group; okay?

17 A. Okay.

18 Q. And rotation age, say, 80 years? Do  
19 you want 60 years?

20 A. In most cases we would be looking at  
21 some sites being a hundred, some site being 80 and the  
22 possibility of some sites being 60.

23 Q. Okay. Let's just take this one  
24 working group and go across.

25 A. Okay.

1 Q. So say it's 80, but we've chosen from  
2 a range of between 60 and say a hundred?

3 A. No. What you would do is you would  
4 do a computer run on 100, 80 and 60.

5 Q. Okay. So we would have -- in the  
6 draft table we would have three lines here?

7 A. Yes.

8 Q. So we would have a line at 60, a line  
9 at 80 and a line at a hundred?

10 A. Yes.

11 Q. Okay. And then we'd have  
12 regeneration success and that percentage, say, it's --  
13 what is it, 60, 65 per cent?

14 A. Again, it could vary.

15 Q. Okay.

16 A. It's not one set of regeneration  
17 success. You could run the model with a number of  
18 success percentages.

19 Q. Okay. Let's say -- what's  
20 reasonable, a couple, three?

21 A. Sure. A couple, three, fine.

22 Q. Say 65 and 75?

23 A. Say 40 and 60.

24 Q. 40 and 60, okay. And years to free  
25 to grow?



1                   A. It could vary according to site. It  
2     could be...

3                   Q. Five and ten?

4                   A. Five and ten, in some cases it might  
5     go as high as 15, yes.

6                   Q. Okay. Let's just say 5 and 10 for  
7     now. And roads and landing percentage?

8                   A. Two to five.

9                   Q. Okay. And NSR renewal rate?

10                  A. That would depend upon how much was  
11     done in the previous plan. It could be as high as 20  
12     per cent, I believe, and it could be as low as zero.

13                  Q. Now, as I understand it, you would  
14     take -- well, first of all, would you analyse all  
15     combinations?

16                  A. Yes. In many cases there would be  
17     combinations of those analysed, yes.

18                  Q. Okay. So just looking at that  
19     without doing the calculation we are talking about --  
20     doing the calculation, around 30, 40 combinations,  
21     runs?

22                  A. I can't recall what we had in ours,  
23     but it's a large number of runs.

24                  Q. Okay. So we run that through and  
25     coming out of each one of those combinations is a MAD;

1 correct?

2 A. Yes, that's correct.

3 Q. Okay. And that MAD, it says this is  
4 the area that can be cut?

5 A. It would say the total area that can  
6 be depleted.

7 Q. Yes.

8 A. Right.

9 Q. But that wouldn't say which stands  
10 comprise that area; would it?

11 A. The computer run would tell you which  
12 stands would be eligible under that criteria.

13 So let's say, for the sake of argument,  
14 that you had 30 different runs, you would have 30  
15 different sets of stands available to you. Some of  
16 them would be the same, obviously, but some would have  
17 more, some would have less. It would vary also  
18 according to the working group, each working group.

19 Q. Yes, I understand that. I am trying  
20 to keep this as simple as possible just for this one  
21 example.

22 Now, the criterion in terms of  
23 eligibility, how should you say, from a harvesting  
24 point of view, the only criteria that we have here is  
25 rotation or cutting cycle?

1 A. No, I wouldn't agree with that.

2 Q. How is regeneration success a  
3 criteria in terms of selecting a stand to be allocated?

4 A. It would identify at which point that  
5 stand or how many of those stands that you actually cut  
6 would come back into production; therefore, it would  
7 dictate at some point in time that you would either  
8 have more or less available area to actually cut wood.

9 Q. Okay. I understand that, I won't  
10 pursue that further. Let me just ask you this then, is  
11 this the sum total of eligibility criteria? What's  
12 shown on Table 5?

13 A. To run the model, that's the sum  
14 total.

15 Q. And where would issues such as  
16 accessibility, harvest costs, quality of product, there  
17 are lots of others, non-timber values, all those other  
18 things, how would they affect the eligible stands?

19 A. They are considered once the forester  
20 has made the selection of the stands that are going to  
21 be cut or depleted during --

22 Q. The eligible stands?

23 A. What stands are currently eligible  
24 will be selected where planning activity will occur.

25 Q. I'm sorry, Mr. Munro, my mind must

1 have been slow there. Can you try that one again for  
2 me, please?

3 A. What the forester has in front of  
4 them is a map showing all the eligible stands for the  
5 20-year period, and at that point in time the forester  
6 would sit down and try to put together an operating  
7 plan which would select some of those stands for  
8 cutting during that five-year term.

9 After that initial selection is made,  
10 then the guidelines and the various other  
11 implementation manuals are utilized to plan the  
12 activities.

13 Q. I understand that. What I'm asking  
14 is, in this level of the analysis, this MAD  
15 calculation, identification of the eligible stands,  
16 things such as accessibility, quality of products, all  
17 those other things don't come into the picture, not at  
18 this stage?

19 A. The only things that come into the  
20 picture and that are considered in the computer model  
21 are what we see in front of us.

22 Q. Out of that then comes a stand  
23 listing, an eligible stand listing?

24 A. That's correct.

25 Q. And we get an eligible stand listing

1 for the five-year term of the plan?

2 A. You get and eligible stand listing  
3 for, I believe, the 20-year period as opposed to the  
4 five.

5 Q. Okay, good. And in your  
6 documentation, will the combinations be presented,  
7 documented in terms of Table 5? Table 5 in the draft  
8 plan consists of a series of Table 5s that show  
9 different runs?

10 A. Table 5 would have -- there would be  
11 a number of Table 5s that would show different options  
12 for each working group.

13 In addition to that, the computer runs  
14 are a part of the plan as well. In our proposal, they  
15 would be part of the integrated resource database.  
16 Under the current MNR's proposal they are in the plan.

17 Q. Yes.

18 A. Anybody from the public can come in  
19 and look at which options were looked at and take a  
20 look at the physical data that's there and that is not  
21 just for that five-year period, the computer runs out,  
22 in some cases, 80 to a hundred years.

23 Q. Okay. And the last question on this  
24 then, the rotation or cutting cycle, on what basis  
25 would the forester decide the appropriate rotation or



1 cutting cycle and what role would other parties have in  
2 that determination?

3 A. That would be -- the appropriate  
4 rotation for the selected rotation would be established  
5 by the plan author in consultation with the technical  
6 experts. In this particular case, it's probably going  
7 to be government foresters and they are going to sit  
8 down and agree.

9 There is more -- in some cases there  
10 could be more than one rotation age per working group.  
11 If could be that they would isolate a certain number of  
12 sites that would be operated at a lower rotation age  
13 and a certain number of sites that would be operated at  
14 a higher rotation age.

15 That decision would be based upon some of  
16 the guidance that's provided in the silvicultural  
17 manuals in terms of what actually is feasible. In  
18 terms of when do other parties have the opportunity to  
19 comment on those rotation ages, that would be when it  
20 is taken to the advisory committee.

21 If it did have an impact on another  
22 resource, again that would be brought in in the initial  
23 stages. If it had an impact on, let's say, the moose  
24 population, the biologist would take a look at it and  
25 see if it was appropriate. So there is some

1 integration of that level before it goes to the  
2 advisory committee.

3 MR. FRY: A. Madam Chair, I'm not sure  
4 what testimony the Ministry of Natural Resources has  
5 provided on this, but from a technical point of view,  
6 most plans that I'm aware of develop rotations based  
7 largely on the maximization of mean annual increment  
8 and usually it's a maximization of the net volumetric  
9 mean annual increment; however, there are ways of  
10 developing economic rotations or rotations on an  
11 economic basis and so on.

12 I don't know whether we have to get into  
13 any real detail on that, but that would be included in  
14 the determination of rotations.

15 Q. Mr. Munro, I'd like you to look at  
16 page 19 of the audit which is Exhibit 16.

17 MR. MUNRO: A. Which audit, Mr. Hanna?

18 Q. The audit.

19 A. Oh, there is only one.

20 Q. Dr. Baskerville's audit. Page 19,  
21 the first full paragraph there in the middle of the  
22 page, he is dealing with rotation. Perhaps just take a  
23 minute and read it and I would like to ask you a  
24 question about the last sentence.

25 A. Okay.

1 Q. Now, the last sentence there  
2 indicates that the rotation that's chosen can have a  
3 serious consequence in terms of the economics of the  
4 stand that's ultimately grown; correct?

5 A. At which point it's cut.

6 Q. But the rotation -- where it really  
7 comes into play is not when you harvest that stand now,  
8 but when you go to harvest it after the rotation;  
9 correct?

10 A. No, he is saying if the rotation age  
11 was too low the stand would not be economically  
12 harvestable at that point in time.

13 Q. Right. Okay. And that will be  
14 apparent if you harvest a stand today and it's under  
15 the rotation or the rotation is too low because the  
16 piece size would be too small or whatever, and it will  
17 be apparent in the future because you'll be faced with  
18 the same thing when you go back to harvest that stand;  
19 correct?

20 A. No, I don't think he's saying that.  
21 When he's saying is, if you set the rotation too low,  
22 that you will in fact be harvesting stands today that  
23 will not be of the piece size that's required at that  
24 stated rotation age at a later date.

25 Q. Dr. Baskerville has given evidence on

1 this, so we will look at that as what he was saying,  
2 but the question is, he is driving here at the need to  
3 provide an evaluation of the reasonableness of the  
4 selected rotation age?

5 A. Yes, that's true.

6 Q. Will that be provided in your plan  
7 and, if so, where?

8 A. I believe it would be fair to say  
9 that there will be discussions of the eligibility  
10 criteria that were looked at and the rationale for the  
11 selected one, and that will be part of the plan.

12 Q. The rationale for the selected  
13 rotation age would be included in the plan?

14 A. That's correct.

15 Q. I want to make sure that I know  
16 exactly where to look for this when I see a plan  
17 prepared under the Industry's process, where would I  
18 see that?

19 A. There would be a combination of two  
20 places where it would show up. Where it would show up  
21 in the actual plan would be on page 107 which is the  
22 maximum allowable depletion summary, which would --

23 Q. Which column would that be in, the  
24 rotation age?

25 A. It would actually -- what the table

1 would show would be the age class that's currently  
2 being cut on the forest management unit.

3 Q. Slowly, Mr. Munro. Which column are  
4 we referring to? We are looking at Table 6 on page  
5 107, maximum allowable depletion summary?

6 A. Yes.

7 Q. And the last comment you made, I  
8 would see that from which column?

9 A. It's not in that column or in that  
10 table per se. What this outlines is the stands that  
11 have been selected for harvest and summarizes them for  
12 a five-year term. That is derived from selecting a  
13 rotation age and that would be explained in the text of  
14 the plan.

15 Q. Okay, you said you had two pages. So  
16 this is the output of it?

17 A. Right.

18 Q. Now, you had another reference there?

19 A. Well, the supplementary documentation  
20 that is part of the plan would include Appendix II that  
21 we were looking at before.

22 Q. The Table 5 on--

23 A. That's correct.

24 Q. --page 70?

25 A. Right.



1 Q. Okay. So in the final plan I would  
2 have a Table 5 and if I wanted to get the working group  
3 or forest unit, say -- sorry, to flip back and forth  
4 here. I'm sorry, Mr. Munro, I lost the first page we  
5 were talking about in the plan itself.

6 A. The plan itself is on page 107.

7 Q. 107, thank you. So let's try and  
8 connect these two together. Table 5 would be in the  
9 supplementary documentation?

10 A. Correct.

11 Q. We would have in supplementary  
12 documentation the range of alternatives we had  
13 available and ultimately one we chose. So we'd have  
14 across that row, let's just say the black spruce 80, 40  
15 per cent regen, five years free to grow and five per  
16 cent landings. We'd have one, that there was a chosen  
17 one; correct?

18 A. Right and some discussion on this.

19 Q. We will get to the discussion. So  
20 then if I wanted to look over here to this Table 6, I  
21 would find that I have -- under the first column I  
22 would have have -- that would be a stand number there,  
23 FU?

24 A. No, that would be a working group.

25 Q. So that would be a working group. So

1 I would have black spruce, one of the black spruce  
2 working groups there?

3 A. Right.

4 Q. Okay. And then I could go across the  
5 age class, that would be the age of the stand I am  
6 harvesting?

7 A. That would be the age class of the  
8 stands that you are harvesting.

9 Q. So it would be 80 to 100?

10 A. 81 to 100.

11 Q. Yes, okay. The other things are  
12 fairly straight forward.

13 So I could look there and I can say:  
14 Okay, the stands I am going to harvest in that black  
15 spruce working group are 100 to 120 years, I'm using an  
16 80 year rotation. I know that so far?

17 A. Right.

18 Q. Okay. Now, where would I find the  
19 documentation selecting the 80 in Table 5?

20 A. It would be part of the discussion  
21 that's included in Section 4, page 66 where that Table  
22 5 is discussed in detail.

23 Q. Okay. And back to Dr. Baskerville's  
24 comment then, there isn't specific reference here made  
25 to rationalization of the rotation age. You do mention

1 that the forest unit determination is based on the  
2 considerations such as site, economics and product  
3 requirements. Will that be tied back then to the  
4 rotation age?

5 A. I'm sorry, where are you reading, Mr.  
6 Hanna?

7 Q. I'm looking at -- oh, where I'm  
8 reading I'm sorry, I'm looking at the last sentence in  
9 the second paragraph under Section 4 on page 66. That  
10 doesn't mention rotation age.

11 A. Rotation age is discussed in the  
12 sense that it's in the table and the table must be  
13 explained.

14 Q. Okay. The reason I think this is  
15 important is two things; first of all, one of the  
16 issues, as you are well aware, in Ontario at the  
17 present time is the old growth issue, old growth forest  
18 issue. You are familiar with that issue?

19 A. I've heard something about it, yes.

20 Q. And it's partly reflected in the  
21 rotation age, the age of the stands that we want to  
22 cut?

23 A. Sorry, I don't understand.

24 Q. Okay. You are familiar with an age  
25 class curve for a forest management unit? What a

1 normal forest -- what distribution would look like in a  
2 normal forest, ideally a fully managed state. It's an  
3 even distribution of age classes out to a rotation age;  
4 correct?

5 A. For a working group, yes.

6 Q. If there was concern with old growth,  
7 and Dean Baskerville has already given evidence on  
8 this, if there was concern in terms of old growth, one  
9 day way to deal with that is to change that stand  
10 distribution so you would allow some additional stands  
11 to go beyond the rotation age?

12 A. That would seem reasonable.

13 Q. And to do that you'd have to  
14 accomodate that some way in the rotation in terms of  
15 the way that you would do your prediction of annual  
16 allowable cut? That would effect your annual allowable  
17 cut; would it not?

18 A. That's true.

19 Q. So in terms of rationalizing the  
20 rotation age, it is important to provide the  
21 information in terms of the sort of things that Dean  
22 Baskerville has described in his audit, the economics,  
23 product requirements, those sort of things and the  
24 impact that rotation has on non-timber values. Would  
25 you agree with that?

1                   A. If you were dealing with the old  
2 growth issue, I think it would be important to  
3 rationalize that particular issue.

4                   Q. Okay. So what you're saying, in the  
5 rationalization of the rotation age we can expect some  
6 discussion of non-timber values, certainly to the  
7 extent that old growth is an issue?

8                   A. I would think where it's identified  
9 as a value, if I can use that terminology, yes, that  
10 would occur. To date it hasn't been identified as a  
11 value.

12                  MR. INNES: A. Madam Chair, I would like  
13 to add to this conversation here. Just a note of  
14 caution in reading Dr. Baskerville's comments in the  
15 audit. What Dr. Baskerville is talking about is  
16 linking the rotation age to the age at which a forest  
17 can produce a marketable quantity rather than relying  
18 solely upon maximizing the biological growth potential,  
19 and that's been his thesis in very many articles that  
20 he has written in the past.

21                  Q. And I accept that fully and I agree  
22 that that is the major thrust of the point here, but  
23 the extension of that is, in determining the rotation  
24 age there are other criteria other than maximizing  
25 biological yield?



1 MR. INNES: A. There's no question.

2 Q. And some of criteria are economics  
3 and some of the criteria are non-timber values in some  
4 case.

5 A. In some cases that could be  
6 acceptable, yes, if you talk about it in that fashion.

7 MR. SUOMU: A. If I might add just to --  
8 we are looking at a very simplistic one table. There  
9 are other forest models which require different inputs  
10 and have little -- and they have different outputs.

11 Going back to OWOSFOP model, we are being  
12 very simplistic in terms of looking at just forest  
13 units. There can be several forest units built up on  
14 whatever criteria one wishes or needs.

15 So that a spruce forest can have one  
16 forest unit assigned to it or it could have ten and  
17 each one designed for a specific purpose, be it  
18 economic or for other users. In that sense, you can  
19 still run the models through, but you would have  
20 different outputs. So you can accommodate a lot of  
21 different criteria in this system.

22 Q. So what I'm hearing you saying, Mr.  
23 Suomu, and just for your information, I wasn't trying  
24 to suggest that you were just going to have a black  
25 spruce working group, I was just trying to keep the

1 example simple, but taking what you've just said, is  
2 another way that you can deal with an issue like old  
3 growth would be to actually set up a working group  
4 specifically to that deal with that and manage that set  
5 of stands in accordance still with the MAD procedure,  
6 but perhaps with a different rationalization in terms  
7 of rotation age. Is that a fair statement of what  
8 youve just said?

9 A. Yes, it could occur in that fashion.  
10 A good example is dealing with reserve stands. In the  
11 past, a large area has been bypassed because of  
12 lakeshore reserves and other reserves.

13 Those stands can be allocated to a  
14 separate forest unit and run the MAD runs and they may  
15 have nothing to do with economics, but in fact they  
16 account for the land base and give you some flavour as  
17 to the impact that it had on the forest land base.

18 Q. What I hear you saying, you think  
19 that's a wise thing to do?

20 A. It can be done, yes, but this is not  
21 the only model. I'm just cautioning that. I think in  
22 terms of the future, this is an area generated model,  
23 volume generated models are going to become another  
24 requirement in the future with a lot different criteria  
25 involved. In that sense, we can -- we will be able to

1 track stands in a finer degree than the OWOSFOP model  
2 in fact does.

3 Q. Yes, I understand that. I think the  
4 Board has heard some evidence on volume based models  
5 rather than area based models.

6 The key thing, though, is still, even in  
7 a volume based model, rotation plays a key roll in the  
8 same level of discussion, the rationalization of the  
9 choice would still be appropriate whether you are using  
10 an area based or a volume based volume; would you  
11 agree?

12 A. It would still have the same effect,  
13 yes.

14 Q. Now, who should I turn to for the  
15 integrated resource planning? I use all these  
16 acronyms, the IRPS, integrated resource database. Is  
17 that you, Mr. Munro?

18 MR. MUNRO: A. Yes, it is, Mr. Hanna.

19 Q. All right.

20 A. Could you give me a page, please.

21 Q. Yes, just a minute. Let's look at  
22 page 17 first, please. You indicate there in the first  
23 paragraph that Industry sees two sort of broad segments  
24 of the public; one being that public that's, in your  
25 words, primarily interested in assessing how the

1 planned activities might impact directly on them, such  
2 as a tourist outfitter. That's the kind of person we  
3 are talking about in that first segment; is that  
4 correct?

5 A. That's correct.

6 Q. And would you agree with me that  
7 these members of the public, not just tourist  
8 outfitters, but this segment of the society you are  
9 referring to here, they want to know specifically what  
10 timber management activity is going to happen, where  
11 and when? That's the kind of issues they're concerned  
12 about?

13 A. I would agree with that.

14 Q. And would you agree that it is  
15 important that that information is provided to the  
16 public as early as possible and as precisely as  
17 possible so they can have meaningful input, that they  
18 can provide you with reasonable comments?

19 A. Yes, I would agree with that, with  
20 the proviso that as long as it is within the planning  
21 process it has to fit somewhere. By early as possible  
22 doesn't mean that that's the first thing you would  
23 generate.

24 Q. No, as possible was put in there as a  
25 qualifier, and I'm sure Mr. Cosman will use whatever

1 holes there if any other interpretation is given. I  
2 did put that in as a qualifier. I'm not saying that  
3 you do it before you do anything else in the plan, it  
4 has got to be reasonable, but as early as is  
5 reasonable?

6 A. For sure.

7 Q. Okay. Now, an issue that arose with  
8 the Red Lake Plan when we were -- we had the Ministry  
9 staff sitting in the position you people find yourself  
10 at the present time, was we looked at the silvicultural  
11 groundrules associated with the Red Lake Plan and there  
12 was a certain degree of uncertainty as to specifically  
13 what was going to happen where and when, and I'd like  
14 to explore that with you.

15 I have made a few copies of that. I had  
16 asked for that exhibit. Do you have the Red Lake Plan?

17 MR. COSMAN: Which number is it?

18 MR. HANNA: 814.

19 MR. MUNRO: No, I don't.

20 MR. HANNA: Okay. I have some copies.  
21 Let me just -- it's the standard silvicultural  
22 groundrules.

23 MR. FREIDIN: Madam Chair, in the  
24 interest of not duplicating time that was spent, we  
25 certainly spent considerable time in Panel 6 of the



1 Industry's case talking about silvicultural ground  
2 rules and the issue about geographical specificity of  
3 them in cross-examination by everyone, including the  
4 Minister of the Environment.

5 I just bring that to the Board's  
6 attention in the interest of perhaps ensuring that we  
7 don't repeat considerable evidence we already heard on  
8 this issue.

9 MADAM CHAIR: Well, I assume Mr. Hanna is  
10 going to deal with this very quickly.

11 MR. HANNA: Yes. Madam Chair, just to  
12 respond to Mr. Freidin's comment. In that particular  
13 case it was a matter of how they are developed rather  
14 than how they fit within the planning process and there  
15 was repeatedly -- and I can assure you I have in my  
16 briefcase all of the references where things were  
17 deferred to Panel 10, and I intentionally in my  
18 cross-examination of each of the Industry's panels  
19 said: I will deal with the specifics now and the  
20 planning issues when the planning panel came forward,  
21 and I want to deal with the planning issue now, not the  
22 specifics that we dealt with with the activities  
23 specific panel.

24 So that's the line of questioning I am  
25 following.

1 MADAM CHAIR: And you are trying to have  
2 some tie-in between the silvicultural groundrules of  
3 this timber management plan with the integrated  
4 resource database proposed by Industry?

5 MR. HANNA: Exactly, Madam Chair.

6 MR. MUNRO: Mr. Hanna, would you have a  
7 copy for my colleagues?

8 MR. HANNA: Yes, I've got another one.

9 MR. FREIDIN: Can I have a copy? I mean,  
10 I can't follow the evidence without one.

11 MR. MUNRO: Mr. Freidin could have my  
12 copy, if you wish.

13 MR. HANNA: It's really going to be...

14 MR. MUNRO: It is just that we are a  
15 panel and I don't want to isolate myself.

16 MR. HANNA: No, I understand that.

17 MADAM CHAIR: Mr. Hanna, Mr. Martel and I  
18 can share one copy.

19 MR. HANNA: Thank you very much, Madam  
20 Chair. Mr. Martel informs me that he has memorized  
21 these groundrules and probably doesn't even need to  
22 refer to the copy.

23 MR. HANNA: Okay.

24 Q. Now, I want to know at what point in  
25 the planning process will the final determination as to

1 the specific silvicultural activities take place?

2 I've got a stand, I'm not talk now of the  
3 working group, I've got a stand and I have a  
4 prescription as to what I'm going to do with that  
5 stand. When does that happen in the planning process?

6 MR. MUNRO: A. Madam Chair, Mr. Martel,  
7 you don't have a prescription per stand. What you have  
8 is a set of groundrules that allow the forester to  
9 operate within a range of acceptable practices for each  
10 working group and that is in fact what Mr. Hanna has  
11 filed in front of you.

12 It would be the range of acceptable  
13 practices for the implementation of a silvicultural  
14 prescription that would occur in the field and be  
15 prescribed after the area is cut and be included in an  
16 annual work schedule.

17 Q. So is it fair then to say that the  
18 appropriate interpretation of these rules would be that  
19 any combination of these timber management activities  
20 on any site that fell within that working group and the  
21 site description would be acceptable in all  
22 circumstances?

23 A. If it's approved in the plan, yes,  
24 that's a fair analogy.

25 Q. And is it not true that depending on,

1 for example, looking at Sb 4 on page 57 -- by the way  
2 Madam Chair, I don't think I made a reference to this.  
3 It is from Exhibit 814 which is the Red Lake Crown  
4 Management Unit Plan excerpts and I am looking at the  
5 Table 4.11. This is not going to be an exhibit so it  
6 should be on the record.

7 Looking at page 57 under Tending  
8 Protection there is an indication here that tending  
9 generally is required. It doesn't say what kind of  
10 tending, what intensity of tending, how often, just  
11 tending may be required?

12 MR. MUNRO: A. That's correct, that's  
13 what it shows.

14 Q. And likewise, the harvesting method  
15 can either be shortwood or tree-length which might also  
16 have some implications in terms of the new stand  
17 structure?

18 A. That's definitely what's indicated on  
19 the table.

20 Q. So looking at this, a member of the  
21 public -- by the way, there is also -- in that  
22 particular case there may be heavy site preparation,  
23 there may be patch scarification, there may be  
24 prescribed burns, all which also have implications in  
25 terms of the regenerating stand structure; correct?

1                   You'd get a quite different stand perhaps  
2 if you prescribe burn as opposed to heavy site prepare?

3                   A. The stocking per cent that are on the  
4 table would indicate that's not the case.

5                   Q. But it might have a big difference if  
6 we were talking about partridge berry, mightn't it?

7                   A. I don't feel qualified to answer on  
8 the amount of partridge berries that we would get  
9 regardless of which one of those treatments we used.

10                  Q. Does anyone of the panel wish to  
11 answer that question?

12                  MR. INNES: A. I have no knowledge of  
13 what would happen in that case, Madam Chair.

14                  Q. Okay. And if a member of the public  
15 was concerned about partridge berry or...

16                  MADAM CHAIR: This is isn't bunch berry,  
17 is it, Mr. Hanna?

18                  MR. HANNA: That was Mr. Cassidy that was  
19 into the bunch berry, Madam Chair.

20                  MR. FREIDIN: Mr. Ferguson was the expert  
21 on blueberries.

22                  MR. HANNA: Q. If a member of the public  
23 was concerned about partridge berry or bunch berry or  
24 hazel or some other species that might be important for  
25 non-timber values, how would he know what to expect in



1 terms of that set of stands?

2 How would he know whether he agrees with  
3 the proposed timber management activity or he disagrees  
4 with the timber management activity?

5 MR. MUNRO: A. I'm afraid Mr. Hanna has  
6 lost me. Could you try again, please?

7 Q. Well, let's take just as a for  
8 instance for the time being that heavy site preparation  
9 has seriously different implications. Let's take an  
10 easy one, blueberries, okay, that heavy site  
11 preparation has some significantly different  
12 implications for blueberries than prescribed burns.

13 Now, if I had a site that I was concerned  
14 about blueberries and it was in Sb 4, I wouldn't know  
15 whether that site was going to be ripped up with - who  
16 was on the Youngs teeth plow or whatever - with  
17 scarifying equipment or whether it was going to be  
18 prescribed burn which might enhance the blueberry crop;  
19 would I.

20 MR. INNES: A. I think you have to  
21 answer that in a different fashion, Madam Chair. If  
22 blueberries were an important component of this timber  
23 management plan for whatever reason, justifiably they  
24 may be so, I would expect that they would be identified  
25 as such and that there would a target assigned in the

1 plan planning process to accomplish that particular  
2 target which would be approved in due course.

3 The problem I am having with Mr. Hanna's  
4 discussion is, it is not possible, in my professional  
5 opinion, to determine whether or not the best technique  
6 to get get blueberries, as well as the timber required  
7 under a given silvicultural technique, it's not  
8 possible to make that determination until a site  
9 inspection is made on that particular site. It may in  
10 fact be that heavy site preparation is just as  
11 effective as a light prescribed burn in doing that or  
12 it may not be depending on that site.

13 So I'm having difficulty in categorizing  
14 this in a broad sense rather than a site-specific  
15 sense, which I'm sure you've heard in past testimony as  
16 to why acceptable techniques are put into categories of  
17 working group or site classification rather than in the  
18 stands.

19 MR. MARTEL: The difficulty I'm having is  
20 wanted to know just precisely how much information one  
21 can put in any of these so that anyone out there could  
22 understand it and what type of individual, Mr. Hanna,  
23 you are going to have serve on these committees who  
24 knows all of this stuff.

25 I mean, you are going to need a walking

1 encyclopedia serving on each committee if they are  
2 going to ask all the types of relevant issues that you  
3 are raising because I don't know anybody in the general  
4 public who carries around that. I'm not saying baggage  
5 in his head, but material.

6 MR. HANNA: Well, Mr. Martel, I will be  
7 responding to that in my evidence. I think it is  
8 probably best to deal with it at that time.

9 I think the question is very much one  
10 exactly what you've hit: How do we cope with the  
11 complexity and range of issues in a practical way, and  
12 I don't disagree with you that that is a central issue  
13 that hopefully some party will give the Board a  
14 reasonable way out of because I think that is a very  
15 major issue that this Board has to consider. I would  
16 like to come back to that in what Mr. Innes has just  
17 said.

18 Q. Mr. Innes, you had indicated that if  
19 blueberries had been identified as a concern, a value,  
20 that the Industry's way of dealing with that would be  
21 then to say: Let's set a target for this forest  
22 management unit in terms of acreages of blueberry.  
23 Would that be the way that you would see that  
24 happening?

25 MR. INNES: A. That would be a way of it

1       happening in the planning process.

2                   Q.   Okay.

3                   MADAM CHAIR:   But you call that an  
4       enhanced planning process, you don't handle it through  
5       silvicultural groundrules?

6                   MR. INNES:   Not through the silvicultural  
7       groundrules, Madam Chair, but if blueberries was an  
8       acceptable target that the plan author had to manage  
9       for, there would have to be something then incorporated  
10      in the silvicultural techniques that would allow you to  
11      produce that value as a result of stand intervention.

12                  MR. HANNA:   Q.   That's exactly where I'm  
13      going to, Mr. Innes.

14                  MR. INNES:   A.   Certainty.

15                  Q.   We've established a target for  
16      blueberries, "x" number of hectares of blueberries,  
17      okay.   If I was to give that target to you as an  
18      industrial forester, you would then still have this  
19      range of silvicultural opportunities available to you?

20                  A.   Yes.

21                  Q.   And in selecting these silvicultural  
22      opportunities, you would then look at what you want to  
23      achieve in terms of timber, you would like at it in  
24      terms of the cost of achieving that and you would also  
25      look at what you have to achieve in terms of

1 blueberries and that would be how, on a site-specific  
2 basis, you'd make those decisions?

3 A. That's correct.

4 Q. So as far as the public being  
5 involved, the public wouldn't have to understand  
6 blueberry ecology or forest succession in terms of its  
7 impact on blueberries, that would be provided to them  
8 by the technical experts.

9 What the public would have to understand  
10 is, if you ask for this much blueberries off of here  
11 you are going to lose three jobs at the mill or it's  
12 going to cost you more in taxes or whatever it is going  
13 to be and so that the public would understand the  
14 implication of the target, but the decision they'd make  
15 is: Okay, that's a reasonable tradeoff, here is the  
16 target, you go away and produce it.

17 Is that the way you see it happening?

18 A. That would be an ideal situation. I  
19 have difficulty being able to trade off jobs at mills  
20 against blueberry patches, but ideally techniques would  
21 be designed in which blueberries could be grown through  
22 stand intervention and that could be explained to the  
23 public in terms of what that meant in terms of  
24 techniques required and how it might interact with  
25 other uses of that particular piece of ground.



1 Q. Okay. I think we all have trouble  
2 trading off jobs at the mill versus blueberry patches  
3 versus moose habitat versus remote fishing  
4 opportunities, but we can't avoid that; can we?

5 A. What you can do, Madam Chair, I think  
6 is raise the implications and the interactions between  
7 the various demands upon the same area. We have  
8 difficulty in quantifying what the interactions are in  
9 terms of hard numbers or specific impact.

10 Q. Okay. And to the extent possible,  
11 you would want to see those laid out to the local  
12 citizens' committee, to the general public in order  
13 that they are apprised of that and have full  
14 understanding of the consequences of the options  
15 available to them?

16 A. It would be desirable to have as  
17 great an understanding as possible.

18 MR. MUNRO: A. Just to add to what Mr.  
19 Innes has been indicating. If you were dealing  
20 hypothetically with blueberries, you would have to go  
21 through some type of process that identified that as a  
22 particular value.

23 Simply having somebody come in and say:  
24 I would like to produce blueberries would be okay in  
25 some sense, but that would have to be taken and

1 prioritized by MNR and then taken to the advisory  
2 committees as well to be isolated as a priority that  
3 would be assigned a target for that particular  
4 management unit. There is a whole lot that has to go  
5 on before that actually happens.

6 Q. But that's part of your planning  
7 process?

8 A. Yes, it is.

9 MR. HANNA: Madam Chair --

10 MR. SUMOU: For the interest of the  
11 Board, growing trees and growing blueberries is not  
12 totally incompatible and in most cases, those people  
13 that wish to pick berries, alot of these -- they are  
14 found in the early successional stages either after  
15 burns or after heavy sight prep.

16 So in terms of following those  
17 successional lines under a monitoring program, if in  
18 fact berries are a priority and wish to establish  
19 targets, that particular ground vegetation could be  
20 monitored maybe under the FEC system in terms of being  
21 able to make better predictions.

22 I think a lot of practising foresters and  
23 non-foresters could, in fact, predict where the berries  
24 are going to be found. I mean, it could be for other  
25 vegetation or for other items. So we are assuming

1 non-compatibility and it's not the case. They could  
2 perhaps fit together very, very well.

3 MR. HANNA: Q. Mr. Suomu, just for your  
4 clarification, I did not in any way intend to imply or  
5 state or any other way indicate that they were  
6 incompatible. It was simply a matter of making sure  
7 that we get the best of both of those. That was the  
8 basis upon the question.

9 There may be some activities, such as  
10 tending, that may have negative impacts on some of  
11 those components, especially chemical tending. So, in  
12 some cases they can be compatible and in other cases  
13 there may be a detrimental effect. It may be short  
14 term it may be long term, depending on what we are  
15 talking about?

16 A. I accept that.

17 MR. HANNA: We are going until four,  
18 Madam Chair?

19 MADAM CHAIR: Yes, we are finished for  
20 the day, Mr. Hanna.

21 MR. HANNA: Well, I will see you tomorrow  
22 morning.

23 MADAM CHAIR: All right. And if you  
24 could at the outset give us --

25 MR. HANNA: Yes.

1                   MADAM CHAIR: We would expect you to be  
2 finished tomorrow. We would like to finish Panel 10  
3 next week or else, as you know, we start on our  
4 satellite hearings. Forests for Tomorrow is relying on  
5 a start date of October 1 for their case and we have  
6 kept Panel 10 members here for what, they're into their  
7 third month, although of course we had our summer  
8 break, but we intend to be finished next week.

9                   MR. HANNA: Yes. I have spoken to the  
10 other parties and certainly I'm not aware of anything  
11 at this time that would suggest that we would go over  
12 next week, but I will certainly respond to that  
13 tomorrow morning.

14                  MADAM CHAIR: Thank you, Mr. Hanna.

15                  I think the panel members can be excused  
16 for the day. Thank you.  
17 --- (Panel withdraws)

18                  MR. HANNA: Madam Chair, I talked to some  
19 of the other parties and we were going to speak this  
20 evening about the letter by Ms. Blastorah regarding the  
21 Timmins visit.

22                  Mr. Freidin has suggested to me that I  
23 believe there's three other procedural matters that  
24 have to be dealt with tomorrow evening and he suggested  
25 having that tided over until tomorrow evening.

## Procedural Matter

1                   MADAM CHAIR: I know of one procedural  
2 matter tomorrow night. You know about three, Mr.  
3 Freidin?

4                   MR. FREIDIN: I was advised by Ms.  
5 Swenarchuk that there were three matters that she  
6 wanted to raise tomorrow.

7                   MADAM CHAIR: Pardon me, yes.

8                   MR. FREIDIN: I understand there is a  
9 fourth one, which is the one that we were thinking  
10 about perhaps dealing with this evening, and I think  
11 Mr. Cosman perhaps has another issue that he may want  
12 to raise as a procedural matter.

13                   It is my suggestion that -- I think Ms.  
14 Swenarchuk may want to -- well, she didn't say  
15 specifically she wanted to be here to deal with the  
16 matter that is to be raised tonight, but I thought  
17 maybe we could deal with all of the procedural matters  
18 tomorrow.

19                   MADAM CHAIR: The Board didn't intend on  
20 spending a lot of time on the matter of whether or not  
21 we visit the habitat supply analysis project in the  
22 Plonski forest while we are at Timmins.

23                   MR. HANNA: I'm prepared to deal with it  
24 now, if you wish, Madam Chair.

25                   MADAM CHAIR: I think we should get that



## Procedural Matter

1 out of the way now.

2 Are you prepared for that, Mr. Freidin?

3 MR. FREIDIN: Yes.

4 MADAM CHAIR: And then tomorrow night we  
5 will deal with Ms. Swenarchuk's matters.

6 Mr. Cosman, do you have something you  
7 want to raise for tomorrow evening?

8 MR. COSMAN: Not tonight, Madam Chair. I  
9 am not certain yet, but I will let your registrar know  
10 in the morning if there is something that I want to add  
11 for tomorrow night. It will be very short, Madam  
12 Chair, by way of procedure.

13 MADAM CHAIR: All right.

14 MR. COSMAN: It just has to do with the  
15 way and the manner in which Forests for Tomorrow's site  
16 visit would operate, which Ms. Swenarchuk told me was  
17 one of the matters that is on her list, in any event.

18 MADAM CHAIR: All right, thank you.

19 MR. HANNA: Perhaps, Madam Chair, I would  
20 suggest Mr. Freidin might explain to us the reasons  
21 that he feels that it is not appropriate for the Board  
22 to see the habitat supply project at this time and I  
23 can then respond to it, if that's appropriate for the  
24 Board.

25 MADAM CHAIR: That's fine.

## Procedural Matter

1                   MR. FREIDIN: Firstly, the suggestion  
2                   that the Board be given a demonstration of the GIS, of  
3                   course, is still part of the suggestion. That system  
4                   is up and it is running, it's operational and we feel  
5                   that it would be useful for the Board to see that  
6                   particular system in operation.

7                   In relation to the HSA, it doesn't fall  
8                   into that category. It is my information that the HSA  
9                   system is under development, it is not up and running,  
10                  it is not operational and for that reason alone I would  
11                  submit that it falls into a different category than the  
12                  GIS.

13                  There is a practical problem, of course,  
14                  in terms of the Board wanting to deal with HSA as well  
15                  as GIS. I understand that if the Board decided, I  
16                  guess contrary to my submissions, that you wanted to  
17                  look at HSA, I understand it would take a considerable  
18                  portion of time, probably half a day to do that.

19                  The letter from Ms. Blastorah indicates  
20                  the Ministry's view that the two -- well, that the HSA  
21                  issue falls into a different category, and you will  
22                  recall that the Board has heard lots of evidence about  
23                  HSA and I think the issue which has arisen in the  
24                  hearing is, if we are going to have HSA, how fast can  
25                  we have it and what's the present status of the HSA

## Procedural Matter

1 research and development which is ongoing in Timmins.

2 It is the Ministry's view that it would  
3 be appropriate for the Board to be advised later in the  
4 hearing as to what the status of that is. It would be  
5 the hope of the Ministry that if HSA is up and running  
6 prior to our reply evidence, that we would lead  
7 evidence as to what the status of that is, and at that  
8 time I think it would be more appropriate for the Board  
9 to consider the advisability of having a demonstration  
10 on an up and running operational system as opposed to  
11 dealing with it prematurely, in my submission, on the  
12 site visit to Timmins.

13 So those are the reasons that, in my  
14 submission, we should go ahead with the GIS which is  
15 operational and we should not deal with HSA at the  
16 present time.

17 MADAM CHAIR: Thank you, Mr. Freidin.

18 Mr. Hanna?

19 MR. HANNA: Madam Chair, I would like to  
20 first deal with the strategic side of this and then  
21 deal with the factual side of it.

22 The strategic side of it is very clear.  
23 The Ministry of Natural Resources doesn't want to be  
24 pushed to move any faster than they see fit, they wish  
25 to postpone, delay, and stonewall as much as possible

## Procedural Matter

1 the implementation of this new technology.

2 Given that, there is every reason, in my  
3 view, for the Ministry to hold off from the Board  
4 seeing the technology, to maintain the veil that this  
5 is new technology, hasn't been tested, isn't up and  
6 running, isn't ready to go and really is Star Wars type  
7 technology. And given that strategic position, clearly  
8 they would not want the Board to see it.

9 I certainly, if I was acting on the  
10 Ministry's behalf, would do everything to avoid having  
11 this Board see that technology because that would put  
12 me in a position of having to recognize that it  
13 actually is something real, something that's ready to  
14 go at the present time. That's the strategic side.

15 Dealing with the factual side. Mr.  
16 Freidin's characterization is not the characterization  
17 that I have with respect to the current status of HSA  
18 in this province, and to support that I would like to  
19 enter an exhibit which is material provided to me by  
20 the Ministry of Natural Resources.

21 MADAM CHAIR: This is Exhibit 1283. Now,  
22 what do we have here, Mr. Hanna?

23 MR. HANNA: I will explain it in just a  
24 moment, Madam Chair.

25 Madam Chair, this is -- there is two

## Procedural Matter

1 pages here. The first page is a brochure that was  
2 circulated earlier this year with respect to  
3 operational demonstration of habitat supply analysis  
4 put on by the Ministry and on the front is the  
5 description of the general meeting and then on the  
6 other page there is a title, What's it About, and I  
7 think that's worth reading.

8 The first paragraph is fairly familiar to  
9 this Board:

10 "The matter of public expectations of  
11 forest management have increased  
12 dramatically over the last decade, forest  
13 managers must now produce a multitude of  
14 benefits including wildlife habitat from  
15 an ever shrinking resource base. The  
16 complexity of this new land management  
17 problem has stymied forest management  
18 across North America and led to  
19 confrontational or adversarial  
20 relationships between proponents of  
21 different resources. The arrival of  
22 powerful computer applications such as  
23 GIS in the forestry sector, combined  
24 with some novel modelling approaches  
25 from the United States and Canada, have



## Procedural Matter

1 shown great potential in helping the  
2 forest managers solve such complex  
3 management problems. Habitat supply  
4 analysis, as the modelling approaches  
5 have been termed, has been supported in  
6 the national forest sector strategy and  
7 most recently in the Class Environmental  
8 Assessment hearings in Thunder Bay."  
9 They didn't give a transcript reference.  
10 "There is every reason to expect the  
11 growing role of these approaches in  
12 forest management. The objective of this  
13 seminar is to expose practising foresters  
14 and biologists to several existing  
15 approaches to habitat supply analysis  
16 from across North America. Speakers  
17 have been invited from British Columbia  
18 to New Brunswick and from the United  
19 States to present their models and  
20 describe how they are being used in  
21 forest management and habitat supply  
22 analysis. A one-day hands-on workshop  
23 will be held on the final day for  
24 interested participants to explore the  
25 relationships between wood supply and

## Procedural Matter

1                   habitat with a simple prototype model.

2                   MADAM CHAIR: Excuse me, Mr. Hanna. Can  
3 we just identify this exhibit for the record before we  
4 go on?

5                   MR. HANNA: Oh, I'm sorry, Madam Chair, I  
6 thought it had been marked.

7                   MADAM CHAIR: It is Exhibit 1283 and it  
8 is a copy of a two-page brochure for a seminar  
9 presented by the Northern Forest Development Group of  
10 the Ministry of Natural Resources.

11                  MR. HANNA: Correct, Madam Chair.

12                  MADAM CHAIR: The seminar is entitled  
13 Forest Habitat Management, New Approaches for the  
14 1990s.

15                  MR. HANNA: Correct.

16                  MADAM CHAIR: It was held from March 13th  
17 to the 15, 1990 at the Senator Hotel in Timmins,  
18 Ontario.

19                  MR. HANNA: That's certainly an elaborate  
20 description for the transcripts, Madam Chair.

21                  MADAM CHAIR: We have to be careful about  
22 these things, Mr. Hanna.

23                  MR. HANNA: You should also note, Madam  
24 Chair, that the second leaf is actually the agenda from  
25 the workshop itself. That was a separate piece of

## Procedural Matter

1 paper, but I've stapled them both together.

2 MADAM CHAIR: Thank you.

3 ---EXHIBIT NO. 1283: Copy of a two-page brochure for a  
4 seminar presented by the Northern  
5 Forest Development Group of the  
6 Ministry of Natural  
Resources, held March 13-15, 1990  
at the Senator Hotel in Timmins,  
Ontario.

7 MR. HANNA: So that was the substance of  
8 the workshop that was held. There was actually a  
9 representative of the Ontario forest -- excuse me,  
10 Ontario Federation of Anglers & Hunters at the workshop  
11 who saw what took place.

12 There was extensive demonstration put on  
13 by the Ministry of Natural Resources in terms of the  
14 technology. It was up and running, it showed exactly  
15 how the model that was being demonstrated, called  
16 Foreman Wild, would operate, was integrated with the  
17 GIS system.

18 And while it was a prototype, based on  
19 the information that I've received, it provided a clear  
20 indication of how this technology could be used, how it  
21 integrated with timber management planning, how it  
22 integrated with GIS.

23 Now, Mr. Freidin said that the reason it  
24 was appropriate to see GIS was that it was up and  
25 running, it's operational. Well, I'm not sure what he

## Procedural Matter

1 means by up and running and operational. We certainly  
2 don't have a GIS system across this province and if  
3 anyone here has spoken to the people at the Ontario  
4 Centre for Remote Sensing who are responsible for the  
5 integration and coordination of GIS in this province,  
6 it's a long ways from operational. It's a developing  
7 technology just like HSA. It's under development just  
8 like HSA.

9 Now, Mr. Freidin has said it would take  
10 considerable time for the Board, up to half a day, to  
11 see HSA in action. It may well take half a day, but I  
12 think given the indication by the forest industry that  
13 they see this as a reasonable model or reasonable tool  
14 to be used in forest management - certainly the Ontario  
15 Federation of Anglers & Hunters has been advocating  
16 this as the lead party at this hearing in terms of an  
17 important way to integrate non-timber values in timber  
18 management - I cannot see any reason why this Board  
19 should not be exposed at this time to that technology.

20 The last matter that I think is important  
21 in this respect is that this is not on undue burden or  
22 onus on the Ministry of Natural Resources. It's not as  
23 if I am coming forward to the Ministry and saying:  
24 Ministry, I want you to go out and develop an HSA  
25 system, put it all together, get it ready for the

## Procedural Matter

1 Timmins District and have it there when the Board  
2 comes.

3 I think the Ministry might be able to  
4 make a reasonable argument that would be unreasonable.  
5 They have already done that, they have already provided  
6 a demonstration, they have already held a workshop.  
7 It's there, it's been done. I haven't seen it, but  
8 people at the Federation have seen it. It's not as if  
9 we are asking them to do something they haven't done  
10 before, that they haven't got there for the Board to  
11 see and I see no reason whatsoever why the Board  
12 shouldn't see it.

13 And finally, there is nothing to suggest  
14 and certainly there has been no precedent in this  
15 hearing to suggest that if the Board does go and see  
16 HSA as it currently exists in the Timmins District and  
17 gets a hands-on demonstration of it, that that's the  
18 definitive word on HSA.

19 My understanding is that the purpose of  
20 the site visits and these types of exercises is to give  
21 the Board a feeling for what's out there. It's not  
22 evidence, it's not the basis upon which your decision  
23 will be made, it's simply to provide you with an  
24 appreciation of what's going on.

25 Mr. Freidin is not prejudiced in any way



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1 from leading further reply argument on HSA and when he  
2 does lead reply evidence he can provide whatever  
3 critique of its operational status, of its  
4 practicality, of all the things I expect to hear from  
5 him, but that's not prejudiced by the Board seeing at  
6 this time and seeing what it means so that when you  
7 hear evidence from now until the end of this hearing  
8 you will at least have a general appreciation for what  
9 we are talking about.

10 And those are my submissions, Madam  
11 Chair. I think it's, without a doubt, an important  
12 thing for this Board to see it, get an appreciation,  
13 get an appreciation of what does it look like, what  
14 does it feel like, is this really reasonable in a very  
15 general way, and I can tell you there will be more  
16 evidence led to provide you with a better understanding  
17 of that, but so the Board has an initial appreciation  
18 of it.

19 Thank you, Madam Chair.

20 MADAM CHAIR: Thank you, Mr. Hanna.

21 I guess the Board's question is, with  
22 respect to both the GIS and habitat supply analysis  
23 system, what is there to see other than the computer  
24 output?

25 MR. FREIDIN: I can't provide you with

## Procedural Matter

1       that detail, I wouldn't know. I am not the expert,  
2       Madam Chair. I don't know. Maybe by the time I am  
3       finished my submission Mr. Kennedy will be able to  
4       provide me with the information you require.

5               MADAM CHAIR: Okay. We just want to  
6       know, is it a matter of seeing something physically in  
7       the forest or is it a matter of going to a computer  
8       room and watching someone make calculations that could  
9       as easily be brought before us on paper?

10              MR. HANNA: Madam Chair, I can answer  
11       that question.

12              MR. FREIDIN: You don't have to go to the  
13       field, if that's what you are asking.

14              MADAM CHAIR: So it is a matter of just  
15       going to a room and seeing people doing computer work.

16              MR. HANNA: Actually, Madam Chair, what I  
17       would suggest to the Board - and in fact Dean  
18       Baskerville actually recommended this to the Board I  
19       believe when he was here - is that the Board sit down  
20       and actually try it themselves and if you remember --

21              MADAM CHAIR: I don't know if you will  
22       talk Mr. Martel into that.

23              MR. HANNA: Well, I think Dean  
24       Baskerville will feel that he has leaped a hurdle if he  
25       can get Mr. Martel at the console, but quite seriously

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1       though, Dean Baskerville, when he was here, spoke  
2       specifically to that matter --

3               MR. FREIDIN: He spoke to GIS.

4               MR. HANNA: Excuse me, let me finish,  
5       please, Mr. Freidin.

6               When Dean Baskerville was here, he said  
7       one of the breakthroughs that he was able to achieve  
8       when he was dealing with models in New Brunswick was,  
9       he was able to bring the people in and be able to  
10      see -- I think his words were: Let's try this, and  
11      they would see all of a sudden what the implications of  
12      that was in terms of wood supply, wood supply cost,  
13      alternatives in terms of the forest structure; all of  
14      those sort of things.

15              That's the type of -- it is through that  
16      sort of hands-on appreciation. As I say, I think Dean  
17      Baskerville would feel that he has reached a new  
18      plateau if he can get decision-makers sitting and  
19      understanding, not in terms of what is going on inside,  
20      but in terms of the information that it can provide to  
21      you. That's the important thing, and at this point  
22      it's simply just to demonstrate that to you.

23              It's not that anything that comes out has  
24      any meaning, but simply the types of things that you  
25      can do with them and it's sitting at a console

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1 attempting those sort of things. That's what we are  
2 anticipating that the Board would see.

3 MR. FREIDIN: May I reply, Madam Chair?

4 MADAM CHAIR: Mr. Freidin.

5 MR. FREIDIN: First of all, this is  
6 obviously Mr. Hanna's week for innuendo and mud  
7 slinging. The suggestion that the Ministry of Natural  
8 Resources is stonewalling anything in this hearing is a  
9 suggestion that I personally take offense with and I am  
10 sure my client does as well.

11 Mr. Hanna refers to a seminar/workshop  
12 and provides you with a pamphlet saying: It is  
13 obviously -- my submission that it is up and running is  
14 incorrect. Firstly, if you look at this very document,  
15 it is a seminar/workshop, it does not indicate that it  
16 is there for the purposes of training people to use an  
17 operational and completed model, it is a  
18 seminar/workshop in relation to the development of a  
19 model. It is quite clear that that is the case.

20 If you look at the last paragraph that  
21 Mr. Hanna referred to, it states that the workshop was  
22 to look at a "simple prototype model", the last three  
23 words. That is a far cry, based on the evidence we  
24 have heard in this hearing, as to what an up and  
25 running operational HSA model might be.

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1                   We have heard evidence in this hearing to  
2                   date from witnesses such as Dr. Euler that Ontario  
3                   needs to examine the development of a model which would  
4                   be appropriate for Ontario and that is what the  
5                   workshop was all about.

6                   So I repeat my submission, the evidence  
7                   is that there is no operational model and I would urge  
8                   the Board that it not accept the submissions of my --  
9                   of Mr. Hanna.

10                  MADAM CHAIR: Mr. Freidin, could you ask  
11                  Mr. Kennedy, the GIS and the HSA computer systems, are  
12                  they housed in the same building?

13                  MR. FREIDIN: They are one in the same.  
14                  It is my understanding, Madam Chair, that the HSA is an  
15                  application of information which is on the GIS.

16                  You heard a lot of evidence about the  
17                  difficulty of actually talking information on FRI maps  
18                  and digitizing so you can get it on GIS. Well, that  
19                  has been done in one small part of the province. That  
20                  has been completed, that is what you can see. That is  
21                  what we are suggesting that you see, how that  
22                  information in fact is transferred, what it looks like  
23                  in a digitized form. That is what we want to present  
24                  to you.

25                  Mr. Hanna is suggesting that you see an



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1 application of how that digitized information can be  
2 used and what my submission to you is and what I  
3 suggest the evidence in this hearing is as opposed to  
4 the submissions of Mr. Hanna, is that we don't have an  
5 HSA model developed in Ontario at the moment. It is  
6 not an operational tool. It is being developed. Dr.  
7 Euler -- well, that's to answer your specific question.

8 MR. MARTEL: Could I ask a question then?

9 MR. FREIDIN: Yes.

10 MR. MARTEL: Since we see that things --  
11 it looks like it came from abroad, the model, I assume  
12 the Foreman Wild was -- and it says modelling  
13 white-tailed deer habitat in New Brunswick.

14 Is that on the computer at the present  
15 time--

16 MR. HANNA: Mr. --

17 MR. MARTEL: --even though it is not  
18 Ontario.

19 MR. FREIDIN: Sit down, Mr. Hanna, would  
20 you, please.

21 MR. MARTEL: Even though it is not in  
22 Ontario, Mr. Freidin, I understand that, but is that  
23 sort of model there in some form even though it doesn't  
24 apply to Ontario?

25 MR. HANNA: Mr. Martel, I can answer that

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1 question, if you wish.

2 MADAM CHAIR: Wait a minute, Mr. Hanna.

3 MR. FREIDIN: My information is that  
4 particular information has been loaded into the  
5 computer in Timmins.

6 MR. MARTEL: So it would be --

7 MR. FREIDIN: It was used for the  
8 purposes of the training session.

9 MR. MARTEL: Yes. Understanding that it  
10 wouldn't represent Ontario, it would be possible to see  
11 it, though, what this wonderful machine can do for us?

12 MR. FREIDIN: I'm sorry?

13 MR. MARTEL: I say, if that information  
14 is there, then we could see what this wonderful machine  
15 can do for us even though it doesn't apply to Ontario.

16 MR. FREIDIN: Well, it will obviously --  
17 I suppose what could be demonstrated is whatever was  
18 demonstrated at the workshop.

19 My concern is that the Board is going to  
20 be asked at the end of the hearing to determine what  
21 should be implemented or not implemented in relation to  
22 Ontario.

23 My concern is that if you see a prototype  
24 working and demonstrating something which may not be  
25 appropriate for the Ontario, then dealing with it at

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1       this stage you may get some misapprehension as to what  
2       is appropriate in Ontario.

3               The Ministry has every intention of  
4       demonstrating the model if it's developed before our  
5       reply evidence. Those are my submissions.

6               MR. HANNA: Madam Chair, I only have one  
7       point to make. We do not have a GIS system in this  
8       province, we have a prototype. If the Board sees fit  
9       to see the GIS system, I see no reason why they should  
10      not see the HSA system at the same time.

11              Every argument that Mr. Freidin has  
12      brought forward I can turn around and make the same  
13      argument why you shouldn't see GIS.

14              Those are my submissions.

15              MADAM CHAIR: What the Board would like  
16      you to do is, we would like Mr. Freidin and Mr. Hanna  
17      to sit down together and see if the parties couldn't  
18      agree to put before the Board a simple demonstration.

19              The Board feels silly going to Timmins,  
20      holding satellite hearings, having the time to see  
21      something that we have been hearing about in evidence  
22      for two years now, not doing that, going back up to  
23      Timmins to make a special trip to see a piece of  
24      computer equipment and some simple demonstration that  
25      we would know is of a prototype nature or whatever it

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1 is described to be. Certainly the Board will not draw  
2 conclusions that aren't there about what either GIS or  
3 habitat supply analysis is.

4 I would think in reply evidence, Mr.  
5 Freidin, what you would want to put before the Board is  
6 the computer output, is the printed analysis that you  
7 would get from using a habitat supply analysis.

8 I don't think you would want to want us  
9 to trot back up to Timmins to sit in a computer room.  
10 That's the practical aspect of this.

11 So if you and Mr. Hanna could discuss  
12 this and Mr. Kennedy and the Board would be happy to  
13 spend an hour or two simply looking at these physical  
14 facilities and having some very simple exercise that  
15 would be understood to be a prototype, an example of  
16 the sort of work that might some day be developed, and  
17 we would know that in your reply evidence there would  
18 be something different put before the Board.

19 MR. FREIDIN: If we did it, I would be  
20 concerned that the Board regard anything it observes in  
21 relation to the operation of a prototype model as not  
22 being evidence as to what is possible or not possible  
23 and the ultimate result in terms of what the model will  
24 do. That would be one of my concerns. If that's  
25 understood, that would be helpful, at least for my

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1 discussions with Mr. Hanna.

2 MADAM CHAIR: Yes.

3 MR. HANNA: Madam Chair, I think I have  
4 already responded to that.

5 The only question I would have, do you  
6 have some timetable that you would like us to meet?

7 MADAM CHAIR: Well, we are not going to  
8 spend a lot of time in this --

9 MR. HANNA: I mean to get it resolved for  
10 you.

11 MR. MARTEL: We can provide an  
12 arbitrator.

13 MR. HANNA: We will take care of that, it  
14 is just a matter of when -- if I have a timetable, I  
15 could then...

16 MADAM CHAIR: Before we go to Timmins.  
17 Why don't you try to have a proposal that you have  
18 agreed on before the Board by the end of next week when  
19 we finish Panel 10.

20 MR. HANNA: I find when the Board sets  
21 timetables it helps all parties to work towards them.

22 MADAM CHAIR: Okay. Thank you.

23 MR. COSMAN: Madam Chair, all I want to  
24 say is I would like to organize my timetable so that I  
25 could be there to watch Mr. Martel working on the HSA



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1 application.

2 MADAM CHAIR: You won't see it, Mr.  
3 Cosman.

4 MR. MARTEL: I am practising my typing  
5 now.

6 MADAM CHAIR: A final matter today that  
7 the Board wishes to address very quickly is that it  
8 occurred to us today that on election day we will be in  
9 Espanola. Obviously we had sent out our schedule for  
10 the public hearing before an election was called for  
11 September 6th. The written notice has been out for  
12 some time.

13 Mr. Martel and I expect a very low  
14 attendance on the evening of the election. We will  
15 find ourselves very likely sitting at seven o'clock on  
16 September the 6th probably without many people in front  
17 of us. We simply wanted parties to put their minds to  
18 something and that is, we understand the difficulties  
19 because written notice has gone out about the seven  
20 o'clock session; however, there could be radio notice  
21 and so forth, does it seem sensible to the parties that  
22 we don't sit at seven o'clock but sit some time the  
23 next morning or afternoon or evening, or sit that  
24 morning instead of that evening?

25 Does that seem sensible? We throw that

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1 out for the parties to think about. If it is sensible,  
2 what can we do by the fact that written notice has gone  
3 out? Do we sit there by ourselves September 6th at  
4 seven o'clock?

5 MR. FREIDIN: From my point of view, I  
6 don't know what the status is of the notice, I have to  
7 speak to Ms. Murphy about that.

8 MADAM CHAIR: I understand there was one  
9 large written notice that was sent out to a very large  
10 mailing list.

11 MR. FREIDIN: I am advised that --

12 MADAM CHAIR: So perhaps if you could  
13 discuss that and perhaps say something about it to the  
14 Board tomorrow.

15 MR. FREIDIN: Yes.

16 MADAM CHAIR: Thank you very much. We  
17 will start at 9 o'clock tomorrow morning.

18  
19 ---Whereupon the hearing adjourned at 4:35 p.m., to be  
20 reconvened Wednesday, August 15, 1990 commencing at  
21 nine o'clock.

22  
23  
24  
25 [c. copyright 1985]













